

INDEX

TO THE

GOVERNMENT GAZETTE,

UNITED PROVINCES,

FOR 1913.

JANUARY TO JUNE.

PART VI.



Allahabad:

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ALLAHABAD, SATURDAY, MAY 3, 1913.

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PART VI.

Bills introduced into the Council of the Governor General for making
Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

NOTIFICATION

Smla, the 25th April, 1913.

No. 38.—The Governor General has been pleased, under Rule 23 of the Rules for the conduct of the Legislative Business of the Council of the Governor General, to order the publication in English in the Gazette of India and in the local official Gazettes of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and Statement of Objects and Reasons are accordingly hereby published for general information.—

No. 3 of 1913.

A Bill to amend the Indian Companies Act, 1913.

1 of 1913. WHEREAS it is expedient to amend the Indian Companies Act, 1913 It is hereby enacted as follows —

1 This Act may be called the Indian Companies
Short title. (Amendment) Act, 1913

of 1913. 2. After section 83 of the Indian Companies Act, 1913 (hereinafter referred to as the said Act), the following heading and sections shall be inserted, namely —

“ Directors.

83A. Every company other than a private company shall have a director or directors,
Directors obligatory.

83B. In default of and subject to any regulations in the articles of a company other than a private company—

- (i) the subscribers of the memorandum shall be deemed to be the directors of the company until the first directors shall have been appointed,
- (ii) the directors of the company shall be appointed by the members in general meeting, and
- (iii) any casual vacancy occurring among the directors may be filled for the remainder of the term by the continuing directors.

83C. When a firm is manager of a company other than a private company. Majority of directors to be persons not members of managing firm then, notwithstanding anything in the articles of the company, there shall be not less than three

directors of the company, and the majority of such directors shall be persons who are not members of such firm.

Provided that this section shall not apply to a company limited by shares as long as such firm or the members thereof hold as sole absolute beneficial owners and not merely as trustees not less than three-fourths of the total number of the shares in the company which confer on the holder the right to vote at a general meeting of the company.

3 After section 91 of the said Act, the following sections shall be inserted, namely —

Insertion of new sections 91A and 91B in Indian Companies Act, 1913

“ 91A. (1) When by the articles of a company a director is permitted to contract with the company, such director, if he is directly or indirectly concerned or interested in any contract or arrangement entered into by or on behalf of the company, shall disclose the nature of his interest at the meeting of the directors at which the contract or arrangement is determined on if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest in the making of the contract or arrangement, and no such director shall as a director vote in respect of any such contract or arrangement, and if he does so vote, his vote shall not be counted.

(2) If in such a case a company enters into a contract for the appointment of a manager in which contract any director of the company is directly or indirectly concerned or interested, or varies any such existing contract, the company

shall send an abstract of the terms of such contract or variation, as the case may be, together with a memorandum clearly indicating the nature of the interest of the director in such contract, or in such variation, to every member and the contract shall be open to the inspection of any member at the registered office of the company.

(3) If a company makes default in complying with the requirements of sub-section (2), it shall be liable to a fine not exceeding one thousand rupees, and every officer of the company who knowingly and wilfully authorises or permits the default, shall be liable to the like penalty.

91B (1) Every manager or other agent of a company other than a private company who enters into a contract for or on behalf of the company in which contract the company is an undisclosed principal shall, at the time of entering into the contract, make a memorandum in writing of the terms of the contract, and specify therein the person with whom it has been made.

(2) Every such manager or other agent shall forthwith deliver the memorandum aforesaid to the company, and such memorandum shall be filed in the office of the company and laid before the directors at the next directors' meeting.

(3) If any such manager or other agent makes default in complying with the requirements of this section—

- (a) the contract shall, at the option of the company, be void as against the company, and
- (b) such agent shall be liable to a fine not exceeding two hundred rupees.”

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to supplement the Indian Companies Act, 1913, in respect of certain matters relating to the internal management of companies. This supplemental legislation was considered desirable by the Select Committee of the latter Bill in view of the system, to a large extent peculiar to India, by which some companies are managed by firms of Managing Agents whose relationship to the companies they manage is different from that of a director to his company in England. The Select Committee was of opinion that, in view of the intrinsic importance of these provisions and the fact that they had not been formally before the country, they should be circulated before taking their place in the law. The provisions of this Bill are designed to secure firstly, that every company should have Directors, secondly, that the majority of the directors of every company shall be independent of the Managing Agents, exception being made in the case of private companies and of companies in which the Managing Agents themselves hold a predominant voting power, thirdly, that interested directors shall disclose their interest in contracts to the other directors, and, in the case of contracts appointing Managing Agents, or any variations of such contracts, to the shareholders, fourthly, that in the case of contracts by agents of a company, other than a private company, in which the company is an undisclosed principal, a memorandum in writing of the terms of the contract shall be made and communicated to the company. It is proposed that this Bill should come into operation on the same date as the Indian Companies Act, 1913, namely, on the 1st April, 1914.

W. H. CLARK,

The 25th April 1913.

directors of the company, and the majority of such directors shall be persons who are not members of such firm

Provided that this section shall not apply to a company limited by shares as long as such firm or the members thereof hold as sole absolute beneficial owners and not merely as trustees not less than three-fourths of the total number of the shares in the company which confer on the holder the right to vote at a general meeting of the company

3. After section 91 of the said Act, the following sections shall be inserted, namely —

Insertion of new sections 91A and 91B in Indian Companies Act, 1913

“ 91A. (1) When by the articles of a company a director is permitted to contract with the company, such director, if he is directly or indirectly concerned or interested in any contract or arrangement entered into by or on behalf of the company, shall disclose the nature of his interest at the meeting of the directors at which the contract or arrangement is determined on if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest or the making of the contract or arrangement, and no such director shall as a director vote in respect of any such contract or arrangement, and if he does so vote, his vote shall not be counted.

(2) If in such a case a company enters into a contract for the appointment of a manager in which contract any director of the company is directly or indirectly concerned or interested, or varies any such existing contract, the company

shall send an abstract of the terms of such contract or variation, as the case may be, together with a memorandum clearly indicating the nature of the interest of the director in such contract, or in such variation, to every member and the contract shall be open to the inspection of any member at the registered office of the company.

(3) If a company makes default in complying with the requirements of sub-section (2), it shall be liable to a fine not exceeding one thousand rupees, and every officer of the company who knowingly and wilfully authorises or permits the default, shall be liable to the like penalty

91B (1) Every manager or other agent of a company other than a private company who enters into a contract for or on behalf of the company in which contract the company is an undisclosed principal shall, at the time of entering into the contract, make a memorandum in writing of the terms of the contract, and specify therein the person with whom it has been made.

(2) Every such manager or other agent shall forthwith deliver the memorandum aforesaid to the company, and such memorandum shall be filed in the office of the company and laid before the directors at the next directors' meeting.

(3) If any such manager or other agent makes default in complying with the requirements of this section—

(a) the contract shall, at the option of the company, be void as against the company, and

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W. H. VINCENT,
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Provided that this section shall not apply to a company limited by shares as long as such firm or the members thereof hold as sole absolute beneficial owners and not merely as trustees not less than three-fourths of the total number of the shares in the company which confer on the holder the right to vote at a general meeting of the company.

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Insertion of new sections 91A and 91B in Indian Companies Act, 1913

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(2) If in such a case a company enters into a contract for the appointment of a manager in which contract any director of the company is directly or indirectly concerned or interested, or varies any such existing contract, the company

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(3) If a company makes default in complying with the requirements of sub-section (2), it shall be liable to a fine not exceeding one thousand rupees, and every officer of the company who knowingly and wilfully authorises or permits the default, shall be liable to the like penalty.

91B. (1) Every manager or other agent of a company other than a private company who enters into a contract for or on behalf of the company in which the company is an undisclosed principal shall, at the time of entering into the contract, make a memorandum in writing of the terms of the contract, and specify therein the person with whom it has been made.

(2) Every such manager or other agent shall forthwith deliver the memorandum aforesaid to the company, and such memorandum shall be filed in the office of the company and laid before the directors at the next directors' meeting.

(3) If any such manager or other agent makes default in complying with the requirements of this section—

(a) the contract shall, at the option of the company, be void as against the company, and

(b) such agent shall be liable to a fine not exceeding two hundred rupees."

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The object of this Bill is to supplement the Indian Companies Act, 1913, in respect of certain matters relating to the internal management of companies. This supplemental legislation was considered desirable by the Select Committee of the latter Bill in view of the system, to a large extent peculiar to India, by which some companies are managed by firms of Managing Agents whose relationship to the companies they manage is different from that of a director to his company in England. The Select Committee was of opinion that, in view of the intrinsic importance of these provisions and the fact that they had not been formally before the country, they should be circulated before taking their place in the law. The provisions of this Bill are designed to secure firstly, that every company should have Directors, secondly, that the majority of the directors of every company shall be independent of the Managing Agents, exception being made in the case of private companies and of companies in which the Managing Agents themselves hold a predominant voting power, thirdly, that interested directors shall disclose their interest in contracts to the other directors, and, in the case of contracts appointing Managing Agents or any variations of such contracts, to the shareholders, fourthly, that in the case of contracts by agents of a company, other than a private company, in which the company is an undisclosed principal, a memorandum in writing of the terms of the contract shall be made and communicated to the company. It is proposed that this Bill should come into operation on the same date as the Indian Companies Act, 1913, namely, on the 1st April, 1914.

W. H. CLARK,

The 25th April 1913.

W. H. VINCENT,
Secretary to the Government of India.

United Provinces of Agra and Oudh Gazette.

Published by Authority.

ALLAHABAD, SATURDAY, MAY 24, 1913

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced into the Council of the Governor General for making
Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT

NOTIFICATION.

Simla, the 15th May, 1913.

No 42.—The Governor General has been pleased, under Rule 23 of the Rules for the conduct of the Legislative Business of the Council of the Governor General, to order the publication in the Gazette of India and in the local gazettes in English of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and Statement of Objects and Reasons are accordingly hereby published for general information —

NO 4 OF 1913

A Bill further to amend the Indian Telegraph Act, 1885

II, 1885 WHEREAS it is expedient further to amend the Indian Telegraph Act, 1885, It is hereby enacted as follows —

1. This Act may be called the Indian Telegraph (Amendment) Act, 1913.

II, 1885 2. For sub-section (2) of section 1 of the Indian Telegraph Act, 1885 (hereinafter called the said Act), the following shall be substituted, namely —

"(2) It extends to the whole of British India, including the Sonthal Parganas, British

Baluchistan, and the pargana of Spiti, and it applies also to—

(a) all Native Indian subjects of His Majesty in any place without and beyond British India,

(b) all other British subjects within the territories of any Native State in India, and

(c) all servants of the King, whether British subjects or not, within the territories of any Native State in India."

3. In clause (1) of section 3 of the said Act, for the words "transmitting or making," the words "making, transmitting or receiving" shall be substituted.

Amendment of section 3 of the said Act

4 Section 4 of the said Act shall be renumbered section 4 (1) and to the said section in the following proviso and sub-section shall be added, namely —

4 Addition of further proviso and sub-section (2) to section 4 of the said Act

“Provided further that the Governor General in Council may, by rules made under this Act, permit, subject to such restrictions and conditions as he thinks fit, the establishment, maintenance and working of wireless telegraphs on ships within Indian territorial waters

“(2) The Governor General in Council may, by notification in the Gazette of India, delegate to the telegraph authority all or any of his powers to grant

Power of Governor General in Council to delegate powers to grant license.

licenses under the first proviso to sub-section (1). The exercise by the telegraph authority of any power so delegated shall be subject to such restrictions and conditions as the Governor General in Council may, by the notification, think fit to impose.”

5. After section 19 of the said Act the following sections shall be inserted, namely —

Insertion of new sections 19A and 19B after section 19 of the said Act

“19A (1) Any person desiring to deal in the legal exercise of a right

Person exercising legal right likely to damage telegraph line or post to give notice

with any property in such a manner as will cause, or is likely to cause, damage to a telegraph line or post which has been duly placed in accordance with the provisions of this Act, or to interrupt or interfere with telegraphic communication, shall give not less than one month's notice in writing to the telegraph authority of the intended exercise of such right.

“(2) If any person having omitted to give the notice required by sub-section (1) deals with any such property in such a manner as is likely to cause damage to any telegraph line or post, or to interrupt or interfere with telegraphic communication, a Magistrate of the first or second class may, on the application of the telegraph authority, direct such person to abstain from dealing with such property in such manner and to take such order with regard to such property as may be in the opinion of the Magistrate necessary to remedy or prevent such damage, interruption or interference

“19B. The Governor General in Council may, by notification in the Gazette of India, confer upon any licensee under section 4, in respect of the extent of his license and subject to any conditions and restrictions which the Governor General in Council may think fit to impose and to the provisions of this Part, all or any of the powers which the telegraph authority possesses under this Part with regard to a telegraph established or maintained by the Government or to be so established or maintained.

Power to confer upon licensee powers of telegraph authority under this Part

“Provided that the notice prescribed in section 19A shall always be given to the telegraph authority.”

6. For section 20 of the said Act the following section shall be substituted, namely —

Substitution of new section for section 20 of the said Act

“20 (1) If any person establishes, maintains or works a telegraph within British India without a license granted under section

1 or otherwise than as permitted by rules made under that section, he shall be punished, if the telegraph is a wireless telegraph, with imprisonment which may extend to three years, or with fine, or with both, and, in any other case, with a fine which may extend to one thousand rupees

“(2) When any person is convicted of an offence punishable under this section, the Court before which he is convicted may direct that the telegraph in respect of which the offence has been committed, or any part of such telegraph, be forfeited to His Majesty.”

7. After section 20 of the said Act the following section shall be inserted, namely —

“20A. If the holder of a license granted under section 4 of the said Act, in breach of condition section 1 contained in any of his license, he shall be punished with fine which may extend to one thousand rupees, and with a further fine which may extend to five hundred rupees, for every week during which the breach of the condition continues.”

8. After section 25 of the said Act the following section shall be inserted, namely —

Insertion of new section 25A after section 25 of the said Act

“25A. If, in any case not provided for by section 25, any person deals with any property and thereby willfully or negligently damages any telegraph line or post duly placed on such property in accordance with the provisions of this Act, he shall be liable to pay the telegraph authority such a pecuniary (if any) as may be incurred in making good such damage, and shall also, if the telegraphic communication is thereby interrupted, be punishable with a fine which may extend to one thousand rupees

“Provided that the provisions of this section shall not apply where such damage or interruption is caused by a person dealing with any property in the legal exercise of a right if he has given the notice required by section 19A (1).”

9. After section 29 of the said Act the following section shall be inserted, namely —

Insertion of new section 29A after section 29 of the said Act

“29A. If any person without due authority,—

(a) makes or issues any document of a nature reasonably calculated to cause it to be believed that the document has been issued by or under the authority of the Director-General of Telegraphs, or

(b) makes on any document any mark in imitation of, or similar to or purporting to be, any stamp or mark of any Telegraph Office under the Director-General of Telegraphs, or a mark of a nature reasonably calculated to cause it to be believed that the document so marked has been issued by, or under the authority of, the Director-General of Telegraphs,

he shall be punished with fine which may extend to fifty rupees.”

10. In section 34 (1) of the said Act after the figures and word “18, sub-section (1),” the words, figures and letter, “and section 19A, sub-section (2),” shall be inserted.

Amendment of section 34 of the said Act

STATEMENT OF OBJECTS AND REASONS

In consequence of the introduction of radio-telegraphy into India it has become necessary to amend the Indian Telegraph Act, 1885 (XIII of 1885), in order to enable the provision and working of wireless apparatus to be regulated more strictly than is possible under that Act. The opportunity has been taken to make certain other amendments in the Act, which experience has shown to be desirable. The details of these amendments are explained in the sub-joined *Notes on Clauses*.

W H CLARK.

*The 14th May, 1913**Notes on Clauses*

Clause 2—The Act at present extends only to British India and to subjects of His Majesty residing in Native States. Following the analogy of the Indian Post Office Act, 1898 (VI of 1898) section 1 (2) of the Telegraph Act has been amended by this clause, so as to extend the operation of the Act to all servants of the King residing in Native States whether British subjects or not.

Clause 3—The present definition of "telegraph" in section 3 (1) of the Act covers only appliances and apparatus for transmitting or making telegraphic, telephonic or other communications by means of electricity, galvanism or magnetism. It is possible to construct wireless telegraphic apparatus capable merely of receiving telegrams, and this clause provides for the amendment of the definition of "telegraph" so as to include apparatus for receiving messages.

Clause 4—The Act, as it stands at present, contains no specific provision for regulating the establishment and working of wireless telegraphs on ships. Under section 1 of the English Wireless Telegraphy Act, 1901 (1 Edw VII, Chapter 24), wireless telegraphic apparatus cannot be installed or worked on board any British ship in British territorial waters without a license granted by the Postmaster General. Licenses granted under this section would probably be possessed by all British ships entering Indian territorial waters. There is, however, no power under the English Act to license ships to use wireless telegraphy in territorial waters outside British territorial waters. Moreover, some provision in the Indian Act is necessary to meet the case of foreign vessels within Indian waters. It is, therefore, proposed to add a second proviso to section 4 of the Act, taking power to control the establishment, maintenance and working of wireless telegraphs on ships within Indian territorial waters.

Under the existing proviso to section 4 of the Act, the power to grant a license for the establishment, maintenance or working of a telegraph is vested solely in the Governor General in Council. Thus, all applications for licenses, even of the most petty nature, have to be submitted to the Government of India. In the majority of cases, the Government of India are not in a position to examine the applications and the reference to them is a mere formality. It is, therefore, desirable to delegate this power to the "telegraph authority," that is, to the Director General, such delegation being made subject to such restrictions and conditions as the Governor General in Council may think fit to impose. Provision for this delegation of power has been made in the second addition to section 4 proposed in this clause.

Clause 5 (proposed new section 19A) and clause 3 (proposed new section 25A)—Under the existing law (sections 13 and 17 of the Act), local authorities or private owners may require the telegraph authority to remove or alter any telegraph post, etc., standing on their properties. There is, however, nothing in the Act to prevent an owner of property from taking, without giving notice to the telegraph authority, such action with the property as may cause or be likely to cause injury to, or interference with, a telegraph line placed upon or near it. A clause has therefore been inserted in the Bill on the lines of section 8 of the English Telegraph Act, 1878 (41 & 42 Vict., Chapter 76), to prevent the execution without due notice of any work likely to be injurious to telegraphic lines or posts (proposed new section 19A). The Bill also provides for the recovery of damages in cases where any works are commenced or carried out without due notice and then execution results in injury to telegraph lines or posts and for the imposition of a fine where telegraphic communication is interrupted by any such work (proposed new section 25A).

Clause 5 (proposed new section 19B)—Under sections 10 and 11 of the Act as it now stands, the power to place telegraph lines and posts upon private property is confined to the telegraph authority, that is the Director-General of Telegraphs. It is apprehended that this restriction may hinder the legitimate development of telephone enterprise in India, and a clause has therefore been inserted in the Bill to empower the Governor General in Council to extend, by notification in the *Gazette of India*, to any licensee under section 4, any or all of the powers possessed by the telegraph authority under Part III of the Act.

Clause 6—The importation of wireless telegraphic apparatus into British India, except under a license granted by the Government of India, is prohibited. The necessary apparatus can, however, be manufactured in India, and it would in practice be extremely difficult to

ascertain whether such apparatus was being used for reading radio-telegraphic messages transmitted from Government stations. It is, therefore, considered necessary to impose a severer penalty on the establishment and working of wireless telegraphs without a license than is at present provided for by section 20 of the Act. The opportunity has been taken to substitute the penalty of confiscation for the continuing fine now leviable under that section. This follows section 1 (3) of the English Wireless Telegraphy Act, 1904 (4 Edw VII, Chapter 24), and forfeiture seems a more suitable penalty to impose than the existing penalty of a continuing fine.

Clause 7—The new section 20A introduced by this clause is merely a reproduction of a part of the existing section 20, which it is proposed to revise (see clause 6), and needs no explanation.

Clause 9—Cases have occurred in which trading firms have distributed advertisements to the public by means of imitation inland telegraph forms and covers with impressions of name and date stamps similar to those used on actual telegrams sent out from Government telegraph offices. The practice causes annoyance to the public, and might be resorted to for fraudulent purposes. It is, therefore, necessary to introduce a new section into the Indian Telegraph Act on the lines of section 64 of the English Post Office Act, 1908 (8 Edw VII, Chapter 48), prohibiting the imitation of the envelopes, forms and marks of the Telegraph Department.

Clause 10—The addition made by this clause to section 34 of the Act, confers on the Commissioners of Police in presidency-towns the powers exercisable by Magistrates of the first and second class under the proposed new section 19A. This amendment calls for no explanation.

W H VINCENT,

Secretary to the Government of India

United Provinces of Agra and Oudh Gazette.

Published by Authority

ALLAHABAD, SATURDAY, SEPTEMBER 20, 1913

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART VI.

Bills introduced into the Council of the Governor General for making
Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

The following Bill was introduced in the Council
of the Governor General of India for the purpose
of making Laws and Regulations on the 9th
September, 1913 —

No 7 of 1913.

THE INDIAN COPYRIGHT BILL, 1912.

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THE SECOND SCHEDULE.

REPEAL OF ENACTMENTS

A Bill to modify and add to the provisions of the Copyright Act, 1911

1 & 2, Geo. 5, c. 46. WHEREAS it is expedient to modify and add to the provisions of the Copyright Act, 1911, in its application to British India, It is hereby enacted as follows —

CHAPTER I

PRELIMINARY

1 (1) This Act may be called the Indian Copyright Act, 1911.

(2) It extends to the whole of British India including British Baluchistan and the Southern Parganas.

2. In this Act unless there is anything repugnant to the subject or context,—

(1) 'the Copyright Act' means the Act of Parliament entitled the Copyright Act, 1911 and

(2) words and expressions defined in the Copyright Act have the same meanings as in that Act

CHAPTER II

CONSTRUCTION AND MODIFICATION OF THE COPYRIGHT ACT

3 In the application to British India of the Copyright Act (a copy of which Act, except such of the provisions thereof as are expressly restricted to the United Kingdom, is set out in the First Schedule), the following modifications shall be made, namely —

(1) the powers of the Board of Trade under section 3 shall, in the case of works first published in British India, be exercised by the Governor General in Council,

(2) the reference in section 4 to the Judicial Committee of the Privy Council shall, in the case of works first published in British India, be construed as a reference to the Governor General in Council,

(3) the powers of the Board of Trade under section 19 shall, as regards records, perforated rolls and other contrivances, the original plate of which was made in British India, be exercised by the Governor General in Council, and the confirmation of Parliament shall not be necessary to the exercise of any of these powers,

(4) the references in section 19, sub-section (4), and in section 24, sub-section (2), proviso (a), sub-clause (4) to arbitration shall be read as references to arbitration in accordance with the law for the time being in force in that part of British India in which the dispute occurs,

(5) as regards works, the authors whereof were at the time of the making of the works resident in British India, and as regards works first published in British India, the reference in section 22 to the Patents and Designs Act, 1907, shall be construed as a reference to the Indian Patents and Designs Act, 1911,

and the reference in the said section to section 86 of the Patents and Designs Act, 1907, shall be construed as a reference to section 77 of the Indian Patents and Designs Act, 1911,

(6) as regards works first published in British India, the reference in section 24, sub-section (1), proviso (a), to the London Gazette and two London newspapers shall be construed as a reference to the Gazette of India and two newspapers published in British India, and the reference in proviso (b) of the same sub-section of the same section, to the 26th day of July 1910, shall as regards works the authors whereof were at the time of the making of the works resident in British India, and as regards works first published in British India be construed as a reference to the 30th day of October, 1912.

4 In the case of works first published in British India, copyright shall, as regards translation rights, be subject to this limitation that it shall only include the sole right to produce, reproduce, perform or publish a translation of the work for a period of five years from the date of the first publication of the work.

Provided that if, after the expiry of the said period any person produces, reproduces, performs or publishes a translation of the work the copyright in such work shall be deemed to be infringed unless such person has given written notice to the author thereof of his intention, and unless a period of two years has elapsed from the giving of such notice

5 In the application of the Copyright Act to musical works the authors whereof were at the time of the making of the works resident in British India, or to musical works first published in British India, the term "musical work" shall, save in otherwise expressly provided by the Copyright Act, mean "any combination of melody and harmony, or either of them, which has been reduced to writing"

6 (1) Copies made out of British India of any work in which copyright subsists which it made in British India would infringe copyright, and as to watch the owner of the copyright gives notice in writing by himself or his agent to the Chief Customs officer, as defined in the Sea Customs Act, 1878, that he is desirous that such copies should not be imported into British India, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be prohibited imports within the meaning of section 18 of the Sea Customs Act, 1878

(2) Before detaining any such copies, or taking any further proceedings with a view to the confiscation thereof, such Chief Customs officer, or any other officer appointed by the Local Government in this behalf, may require the regulations under this section, whether as to information, security, conditions or other matters, to be complied with, and may satisfy himself, in accordance with these regulations, that the copies are such as are prohibited by this section to be imported.

(3) The Governor General in Council may, by notification in the Gazette of India, make regulations, either general or special, respecting the detention and confiscation of copies, the imputation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and confiscation, and may by such regulations, determine the information, notices and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) Such regulations may apply to copies of all works, the imputation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such work.

(5) The regulations may provide for the informant reimbursing the Secretary of State for India in Council all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention, and may provide that notices given under the Copyright Act to the Commissioners of Customs and Excise of the United Kingdom, and communicated by that authority to any authority in British India, shall be deemed to have been given by the owner to the said Chief Customs officer.

(6) This section shall have effect as the necessary modification of section 14 of the Copyright Act.

CHAPTER III SUMMARY REMEDIES

Offences in respect of infringing copies

7 If any person knowingly—

Of 11 (1),
Copyright
Act, 1911

- (a) makes for sale or hire any infringing copy of a work in which copyright subsists, or
- (b) sells or lets for hire, or by way of trade exposes or offers for sale or hire, any infringing copy of any such work, or
- (c) distributes infringing copies of any such work, either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright, or
- (d) by way of trade exhibits in public any infringing copy of any such work, or
- (e) imports for sale or hire into British India any infringing copy of any such work, he shall be punishable with fine which may extend to two hundred rupees for every copy dealt with in contravention of this section, but not exceeding five hundred rupees in respect of the same transaction.

8 If any person knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright

Possession of plates for purpose of making infringing copies

Of 11 (2), Copyright Act, 1911

(2), Copyright Act, 1911

causes any such work to be performed in public without the consent of the owner of the copyright, he shall be punishable with fine which may extend to five hundred rupees.

9 If any person, after having been previously convicted of an offence punishable under section 7 or section 8 is subse-

quently convicted of an offence punishable under either of these sections, he shall be punishable with simple imprisonment which may extend to

one month, or with fine which may extend to one thousand rupees, or with both

10 The Court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work

Power of Court to destroy or plates for purpose of making infringing copies

of all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright, or otherwise dealt with as the Court may think fit

11 No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence against this Act.

12 The provisions of this Chapter shall not apply to any case to which section 9 of the Copyright Act regarding the restrictions on remedies in the case of a work of architecture applies

CHAPTER IV.

MISCELLANEOUS

13 Every suit or other civil proceeding regarding infringement of copyright shall be instituted in the High Court.

Courts having civil jurisdiction regarding infringement of copyright

14 No suit or other civil proceeding instituted after the 30th of October, 1912, regarding infringement of copyright in any book, the author whereof was at the time of making the book resident in British India, or of any book first published in British India, shall be dismissed by reason only that the registration of such book had not been effected in accordance with the provisions of the Indian Copyright Act, 1847

15 The enactments mentioned in the Second Schedule are hereby repealed to the extent specified in the fourth column thereof

THE FIRST SCHEDULE

PORTIONS OF THE COPYRIGHT ACT APPLICABLE TO BRITISH INDIA

(See section 3)

COPYRIGHT ACT, 1911

[1 & 2 Geo. 5, Ch 46]

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- 2 Infringement of copyright.
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- * * * *
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Chapter 46.

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO COPYRIGHT

[16TH DECEMBER 1911.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of

the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows —

PART I

IMPERIAL COPYRIGHT

Rights

1 (1) Subject to the provisions of this Act, copyright shall subsist throughout the parts of His Majesty's dominions to which this Act extends for the term hereinafter mentioned in every original literary dramatic musical and artistic work, if—

(a) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid, and

(b) in the case of an unpublished work, the author was at the date of the making of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid, but in no other works, except so far as the protection conferred by this Act is extended by Orders in Council thereunder relating to self governing dominions to which this Act does not extend and to foreign countries.

(2) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public, if the work is unpublished, to publish the work or any substantial part thereof, and shall include the sole right—

(a) to produce reproduce, perform, or publish any translation of the work,

(b) in the case of a dramatic work, to convert it into a novel or other non dramatic work,

(c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise,

(d) in the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered,

and to authorise any such acts as aforesaid

(3) For the purposes of this Act, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

2 (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright. Provided that the following acts shall not constitute an infringement of copyright —

(a) Any person dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary.

- (ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work
- (iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situated in a public place or building, or the making or publishing of paintings, drawings, engravings or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art
- (iv) The publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists. Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged
- (v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer, but nothing in this paragraph shall affect the provisions in paragraph (i) as to newspaper summaries
- (vi) The reading or recitation in public by one person of any reasonable extract from any published work
- (2) Copyright in a work shall also be deemed to be infringed by any person who—
- (a) sells or lets for hire, or by way of trade exchanges or offers for sale or hire, or
 - (b) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright, or
 - (c) by way of trade exhibits in public, or
 - (d) imports for sale or hire into any part of His Majesty's dominions to which this Act extends,

any work which to his knowledge infringes copyright or would infringe copyright if it had been made within the part of His Majesty's dominions in or into which the sale or hire, exposure, offering for sale or hire, distribution, exhibition, or importation took place.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright

3 The term for which copyright shall subsist
Term of copyright shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated at the rate of ten per cent on the price at which he publishes the work, and, for the purposes of this proviso, the Board of Trade may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if they think fit) regulations requiring payment in advance or otherwise securing the payment of royalties

4. If at any time after the death of the author
Compulsory license of a literary, dramatic, or musical work which has been published or performed in public a complaint is made to the Judicial Committee of the Privy Council that the owner of the copyright in the work has refused to republish or to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a license to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the Judicial Committee may think fit.

5 (1) Subject to the provisions of this Act, the
Ownership of copy author of a work shall be
right, etc the first owner of the copy-
right, therein

Provided that—

- (a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright; and

(b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, other than as part of a newspaper, magazine, or similar periodical.

(2) The owner of the copyright in any work may assign the right, either wholly or partially, and either generally or subject to limitations to the United Kingdom or any self-governing dominion or other part of His Majesty's dominions to which this Act extends, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by license, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent.

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expiring on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a license to publish a work or part of a work as part of a collective work.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee, as respects the right so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

Civil Remedies

6 (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction or interdict, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court.

(3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

(a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

(b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

7 All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

8 Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction or interdict in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had not reasonable ground for suspecting that copyright subsisted in the work.

9 (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction or interdict to restrain the construction of such building or structure or to order its demolition.

(2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

10. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement,

* * * * *

Importation of Copies

14. (1) Copies made out of the United Kingdom of any work in which copyright subsists which if made in the United Kingdom would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Commissioners of Customs and Excise that he is desirous that such copies should not be imported into the United Kingdom, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876, and that section shall apply accordingly.

88 & 40 Vict.
& 86.

(2) Before detaining any such copies or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs and Excise may require the regulations under this section, whether as to information, conditions, or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3) The Commissioners of Customs and Excise may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may, by such regulations, determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works.

(5) The regulations may provide for the informant reimbursing the Commissioners of Customs and Excise all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention, and may provide for notices under any enactment repealed by this Act being treated as notices given under this section.

(6) The foregoing provisions of this section shall have effect as if they were part of the Customs Consolidation Act, 1876. Provided that, notwithstanding anything in that Act, the Isle of Man shall not be treated as part of the United Kingdom for the purposes of this section.

(7) This section shall, with the necessary modifications, apply to the importation into a British possession to which this Act extends of copies of works made out of that possession.

Delivery of Books to Libraries.

15. (1) The publisher of every book published in the United Kingdom shall, within one month after the publication, deliver, at his own expense, a copy of the book to the trustees of the British Museum, who shall give a written receipt for it.

(2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some depot in London named in the demand a copy of the book for, or in accordance with the directions of, the authority having the control of each of the following libraries, namely the Bodleian Library, Oxford, the University Library, Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin, and subject to the provisions of this section the National Library of Wales. In the case of an encyclopaedia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published.

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such classes as may be specified in regulations to be made by the Board of Trade.

(6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.

(7) For the purposes of this section, the expression 'book' includes every part or division of a book, pamphlet, sheet of letter-press, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letter-press or in the maps, prints, or other engravings belonging thereto.

Special Provisions as to certain Works.

16. (1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter, and in the provisions of this Act with respect to the grant of

compulsory license a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author

(2) Where, in the case of a work of joint authorship some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Act, the work shall be treated for the purposes of this Act as if the other author or authors had been the sole author or authors thereof

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid

(3) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors

(4) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property.

17 (1) In the case of a literary, dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section three of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid

(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript

18 Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work

19. (1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the origi-

nal plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within the parts of His Majesty's dominions to which this Act extends if it has established a place of business within such parts

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make within the parts of His Majesty's dominions to which this Act extends, records, perforated rolls, or other contrivances by means of which the work may be mechanically performed, if such person proves—

- (a) that such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work, and
- (b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate hereinafter mentioned

Provided that—

- (1) nothing in this provision shall authorise any alterations in, or omissions from, the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are reasonably necessary for the adaptation of the work to the contrivances in question, and
- (ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced
- (3) The rate at which such royalties as aforesaid are to be calculated shall—
 - (a) in the case of contrivances sold within two years after the commencement of this Act by the person making the same, be two and one-half per cent; and
 - (b) in the case of contrivances sold as aforesaid after the expiration of that period, five per cent

on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than a half-penny for each separate musical work in which copyright subsists reproduced thereon, and, where the royalty

calculated as aforesaid includes a fraction of a farthing, such fraction shall be reckoned as a farthing.

Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Board of Trade that such rates as aforesaid is no longer equitable, the Board of Trade may, after holding a public inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and until confirmed by Parliament, but, where an order revising the rate has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

(6) For the purposes of this section, the Board of Trade may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, and any such regulations may, if the Board think fit, include regulations requiring payment in advance or otherwise securing the payment of royalties.

(7) In the case of musical works published before the commencement of this Act, the foregoing provisions shall have effect, subject to the following modifications and additions:

- (a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work shall not apply.
- (b) The rate of two and one-half per cent, shall be substituted for the rate of five per cent as the rate at which royalties are to be calculated, but no royalties shall be payable in respect of contrivances sold before the first day of July, nineteen hundred and thirteen, if contrivances reproducing the same work had been lawfully made, or placed on sale, within the limits of His Majesty's dominions to which this Act extends before the first day of July, nineteen hundred and ten.

(c) Notwithstanding any assignment made before the passing of this Act of the copyright in a musical work, any rights conferred by this Act in respect of the making, or authorising the making, of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal personal representatives and not to the assignees, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal personal representatives.

(2) The saving contained in this Act of the rights and interests arising from, or in connexion with action taken before the commencement of this Act shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Act, except on the terms and subject to the conditions laid down in this section.

(3) Where the work is a work on which copyright is conferred by an Order in Council relating to a foreign country, the copyright so conferred shall not, except to such extent as may be provided by the Order, include any rights with respect to the making of records, perforated rolls, or other contrivances by means of which the work may be mechanically performed.

(8) Notwithstanding anything in this Act where a record, perforated roll, or other contrivance by means of which sound may be mechanically reproduced has been made before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived.

Provided that—

(i) the person who, at the commencement of this Act, is the owner of such original plate shall be the first owner of such copyright, and

(ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

20 Notwithstanding anything in this Act, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

21. The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived, and the

- (c) in respect of residence in a foreign country to which the Order relates, in like manner as if such residence were residence in the parts of His Majesty's dominions to which this Act extends,

and thereupon, subject to the provisions of this Part of this Act and of the Order, this Act shall apply accordingly

Provided that—

- (r) before making an Order in Council under this section in respect of any foreign country (other than a country with which His Majesty has entered into a convention relating to copyright), His Majesty shall be satisfied that that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to His Majesty expedient to require for the protection of works entitled to copyright under the provisions of Part I of this Act,
- (ii) the Order in Council may provide that the term of copyright within such parts of His Majesty's dominions as aforesaid shall not exceed that conferred by the law of the country to which the Order relates,
- (iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order,
- (iv) the Order in Council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities (if any) as may be prescribed by the Order,
- (e) in applying the provision of this Act as to ownership of copyright, the Order in Council may make such modifications as appear necessary having regard to the law of the foreign country,
- (es) in applying the provisions of this Act as to existing work, the Order in Council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased by virtue of section five of the International Copyright Act, 1886

(2) An Order in Council under this section may extend to all the several countries named or described therein.

30 (1) An Order in Council under this Part of this Act II this Act shall apply to all His Majesty's dominions to which this Act extends except self-governing dominions and any other possession specified in the Order with respect to which it appears to His Majesty expedient that the Order should not apply

(2) The Governor in Council of any self-governing dominion to which this Act extends may, as respects that dominion, make the like Orders as under this Part of this Act His Majesty in Council is authorised to make with respect to His Majesty's dominions other than self-governing dominions, and the provisions of this Part of this Act shall, with the necessary modifications, apply accordingly.

(3) Where it appears to His Majesty expedient to except from the provisions of any Order any part of his dominions not being a self-governing dominion, it shall be lawful for His Majesty by the same or any other Order in Council to declare that such Order and this Part of this Act shall not, and the same shall not, apply to such part, except so far as is necessary for preventing any prejudice to any rights acquired previously to the date of such Order

PART III.

SUPPLEMENTAL PROVISIONS.

31 No person shall be entitled to copyright in any literary, dramatic, musical, or artistic work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence

32 (1) His Majesty in Council may make provisions as to Orders in Council for altering, revoking, or varying any Order in Council made under this Act, or under any enactments repealed by this Act, but any Order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the Order comes into operation, and shall provide for the protection of such rights and interests

(2) Every Order in Council made under this Act shall be published in the *London Gazette* and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act

33 Nothing in this Act shall deprive any of the saving of university, universities and colleges copyright mentioned in the Copyright Act, 1775, of any copyright they already possess under that Act, but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act.

34. There shall continue to be charged on, and paid out of, the Consolidated Fund of the United Kingdom such annual compensation as was immediately before the commencement of this Act payable in pursuance of any Act as compensation to a library for the loss of the right to receive gratuitous copies of books

Provided that this compensation shall not be paid to a library in any year, unless the Treasury are satisfied that the compensation for the previous

year has been applied in the purchase of books for the use of and to be preserved in the library.

35. (1) In this Act, unless the context otherwise requires,—

“Literary work” includes maps, charts, plans, tables, and compilations,

“Dramatic work” includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character,

“Artistic work” includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs,

“Work of sculpture” includes casts and models,

“Architectural work of art” means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction,

“Engravings” include etchings, lithographs, wood-cuts, prints, and other similar works, not being photographs,

“Photograph” includes photo-lithograph and any work produced by any process analogous to photography,

“Cinematograph” includes any work produced by any process analogous to cinematography,

“Collective work” means—

(a) an encyclopædia, dictionary, year book, or similar work,

(b) a newspaper, review, magazine, or similar periodical, and

(c) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated,

“Infringing,” when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made, or imported in contravention of the provisions of this Act,

“Performance” means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;

“Delivery,” in relation to a lecture, includes delivery by means of any mechanical instrument;

“Plate” includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made;

“Lecture” includes address, speech, and sermon,

“Self-governing dominion” means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and Newfoundland

(2) For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns

(3) For the purposes of this Act, a work shall be deemed to be first published within the parts of His Majesty's dominions to which this Act extends, notwithstanding that it has been published simultaneously in some other place, unless the publication in such parts of His Majesty's dominions as aforesaid is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be fixed by Order in Council

(4) Where, in the case of an unpublished work the making of a work has extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a British subject or a resident within the parts of His Majesty's dominions to which this Act extends

(5) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident in the parts of His Majesty's dominions to which this Act extends if he is domiciled within any such part.

36. Subject to the provisions of this Act, the Repeal enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule

Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part

37. (1) This Act may be cited as the Copyright Short title and com Act, 1911.
menement

(2) This Act shall come into operation—

(a) in the United Kingdom, on the first day of July nineteen hundred and twelve or such earlier date as may be fixed by Order in Council,

- (b) in a self-governing dominion to which this Act extends, at such date as may be fixed by the Legislature of that dominion,
- (c) in the Channel Islands, at such date as may be fixed by the States of those islands respectively,
- (d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the Governor

SCHEDULES.

FIRST SCHEDULE

EXISTING RIGHTS

| Existing Right | Substituted Right |
|---|--|
| (a) <i>In the case of Works other than Dramatic and Musical Works</i> | |
| Copyright | Copyright as defined by this Act * |
| (b) <i>In the case of Musical and Dramatic Works</i> | |
| Both copyright and performing right | Copyright as defined by this Act * |
| Copyright, but not performing right | Copyright as defined by this Act, except the sole right to perform the work or any substantial part thereof in public |
| Performing right but not copyright | The sole right to perform the work in public, but none of the other rights comprised in copyright as defined by this Act |

* In the case of an essay, article, or portion forming part of and first published in a review, magazine, or other periodical of work of a like nature, the right shall be subject to any right of publishing the essay, article, or portion in a separate form to which the author is entitled at the commencement of this Act, or would, if this Act had not been passed, have become entitled under section eighteen of the Copyright Act, 1912

For the purposes of this Schedule the following expressions, where used in the first column thereof, have the following meanings —

"Copyright," in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work,

"Performing right," in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public.

SECOND SCHEDULE

Section 9

ENACTMENTS REPEALED

| Session and Chapter | Short Title | Extent of Repeal |
|----------------------|---|---|
| 8 Geo 2, c 13 | The Engraving Copyright Act, 1734 | The whole Act. |
| 7 Geo 3, c 33 | The Engraving Copyright Act, 1767 | Ditto |
| 15 Geo 3, c 53 | The Copyright Act, 1775 | Ditto. |
| 17 Geo 3, c 57 | The Prints Copyright Act, 1777 | Ditto |
| 51 Geo 3, c 56 | The Sculpture Copyright Act, 1814 | Ditto |
| 3 & 4 Will 4, c 16 | The Dramatic Copyright Act, 1803 | Ditto |
| 5 & 6 Will 4, c. 65 | The Lectures Copyright Act, 1805 | Ditto |
| 6 & 7 Will 4, c. 59 | The Prints and Engravings Copyright (Ireland) Act, 1809 | Ditto |
| 6 & 7 Will 4, c. 110 | The Copyright Act, 1809 | Ditto |
| 5 & 6 Vict, c 45 | The Copyright Act, 1843 | Ditto. |
| 7 & 8 Vict, c 13 | The International Copyright Act, 1844 | Ditto. |
| 10 & 11 Vict, c. 36 | The Colonial Copyright Act, 1847 | Ditto |
| 15 & 16 Vict, c. 12 | The International Copyright Act, 1852 | Ditto |
| 35 & 36 Vict, c. 98 | The Fine Arts Copyright Act, 1892 | Sections one to six in section eight the words "and pursuant" to any Act for "the protection of copyright engravings," and "and in any such Act as aforesaid." Sections nine to twelve |
| 38 & 39 Vict, c. 13 | The International Copyright Act, 1875 | The whole Act |
| 39 & 40 Vict, c. 36 | The Customs Consolidation Act, 1876 | Section forty-two, from "Books wherein" to "such copyright will expire." Sections forty-four, forty five, and one hundred and fifty-two |
| 35 & 36 Vict, c. 40 | The Copyright (Musical Compositions) Act, 1892 | The whole Act, |
| 40 & 50 Vict, c. 33 | The International Copyright Act, 1896 | Ditto |
| 61 & 62 Vict, c. 17 | The Copyright (Musical Compositions) Act, 1899 | Ditto |
| 38 & 39 Vict, c. 42 | The Revenue Act, 1895 | Section one, from "Books first published" to "as provided in that section" |
| 6 Edw 7, c. 36. | The Musical Copyright Act, 1903 | In section three the words "and" "which has been" "registered in accordance with" "the provisions of" "the Copyright Act, 1843, or of" "the International Copyright Act, 1844, which re" "stitution may" "be effected not" "withstanding" "anything in the" "International Copyright Act, 1896" |

THE SECOND SCHEDULE

REPEAL OF ENACTMENTS.

(See section 15)

| Year | No | Short Title | Extent of Repeal |
|------|------|---|---|
| 1847 | XX | The Indian Copyright Act, 1847 | So much as has not already been repealed |
| 1867 | XXV | The Press and Registration of Books Act, 1867 | In section 18 the following words, namely:—“Every registration under this section shall, upon the payment of the sum of two rupees to the officer keeping the said Catalogue, be deemed to be an entry in the Book of Registry kept under Act No XX of 1847 (for the encouragement of learning in the territories subject to the government of the East India Company, by the defining and providing for the enforcement of the right called copyright therein), and the provisions contained in that Act as to the said Book of Registry shall apply <i>mutatis mutandis</i> to the said Catalogue.” |
| 1878 | VIII | The Sea Customs Act, 1878 | Clause (a) of section 18 |

STATEMENT OF OBJECTS AND REASONS.

THE question of the amendment of the Indian Copyright Act (XX of 1847) has been considered on several occasions since 1864 on the ground that the Act was incomplete and did not provide, among other matters, for the protection of copyright in Photographs, translations, newspaper, telegrams, etc. Legislation, however, has been postponed in view of the possibility of an amendment of the English Acts on the subject of copyright.

In 1908 a Conference and Convention, to which Great Britain was a party, was held in Berlin with the object of bringing the domestic laws of all countries concerned into harmony with one another so as to obtain international uniformity of treatment and the ratification of that Convention involved certain changes in the English law. Its provisions were examined by a strong departmental committee appointed by the Board of Trade which came to the unanimous conclusion that the Berlin Convention should be accepted by Great Britain with as few reservations as possible.

An Imperial Copyright Conference was subsequently convened in 1910 containing representations of the self-governing dominions and of the India Office, Colonial Office, etc. It endorsed the recommendation of the Board of Trade Committee and recommended that an Act dealing with the essentials of Imperial Copyright Law should be passed by the Imperial Parliament and that this Act should be expressed to extend to all British possessions subject to the rights of self-governing dominions and possessions to modify or add to its provisions by legislation in certain cases affecting only procedure and remedies.

A Draft Bill was approved by the Conference and eventually passed into law as the Copyright Act, 1911 (1 and 2 Geo 5, Ch 46), which came into operation in the United Kingdom on 1st July 1912.

The important changes in the Act are—

- (i) The abolition of the formality of registration of copyright.
- (ii) The extension of the term of copyright from 42 years to one of life and 50 years subject to certain conditions.
- (iii) The extension of the scope of copyright.
- (iv) The substitution of one Act for several on the subject of copyright.

The Government of India considered that the early introduction of the Act into India was desirable both for Imperial and International as well as domestic reasons and consulted Local Governments in regard to the modifications and additions referred to in section 27 of the Act that might be necessary to suit the special conditions of India. In view, however, of difficulties that were experienced in England through the non-proclamation in India of the Act of 1911 and having regard to the serious hardship and loss which might thereby be inflicted on English Authors, the Act was brought into force in India by proclamation in the Gazette of India on the 31st October 1912 under section 37 (2) (d) of the Act, the question of modifications or additions being postponed for subsequent consideration on receipt of the views of Local Governments. These are in substantial agreement with those of the Government of India who propose by virtue of the powers conferred by section 27 of the Act of 1911 to pass the Draft Bill which embodies the modifications in and additions to the Act which are considered desirable, together with certain formal and necessary alterations due to the difference between English and Indian administration and procedure.

It will be observed that the changes proposed are as few as possible in view of the desirability of securing that uniformity throughout the Empire which was advocated by the Imperial Copyright Conference of 1910.

Clause 3—This contains purely formal modifications necessary for the application of the Act of 1911 to British India.

Clause 4—Under sections 1-3 of the Act of 1911 the term for which copyright subsists in translations is the life of the author and a period of fifty years after his death.

The special linguistic conditions of India render desirable a substantial relaxation of the above provision. The languages spoken in India are so numerous and differ so widely that the conditions which prevail cannot be compared with those in most European countries and vernacular translations from English and from one vernacular to another are not only common but serve the useful purpose of disseminating knowledge. It is proposed, therefore, that translations of works first published in British India should be permitted after the expiry of five years from the date of first publication, provided that two years' notice of the intention to publish a translation has been given to the author.

This proposal is considered to be a sufficient safeguard of and a reasonable compromise between rights of the author and those of the public.

Clause 5—The provisions of section 19 of the Act of 1911 are new, and in view of the peculiar conditions of Indian music objections have been urged against the application of this section *in toto* to Indian works. It is pointed out that it is impossible in most cases to identify the original composer or author and that the majority of Indian melodies have not been written in staff notation except through the medium of the phonograph and are subject to infinite variety of notation and tune. If, under these circumstances, section 19 is adopted with its rebo-ative principal there may be fictitious claims of ownership in musical works and much confusion and undesirable litigation. To make it clear that in order to fall within the definition of "musical work" music must have been graphically represented it is proposed to adopt *mutatis mutandis* the definition of the term "musical work," contained in the English Musical Copyright Act, 1902, *viz.*, "musical work means any combination of melody and harmony or either of them printed, reduced to writing."

Clause 6.—Section 18 (a) of the Sea Customs Act, 1878, prohibits importation in the case of books alone, the copyright whereof subsists in India. In view of the extension of the Act of 1911, to works other than books and the difference in procedure it is proposed to repeal this section and enact the appropriate provisions as the necessary modifications referred to in section 14 (7) of the Act of 1911.

Clauses 7-12—The provisions of section 11 of the Act of 1911 have been in the main adopted. Imprisonment, however, will in all cases be simple, and offences will be triable by a Magistrate of the first class only. It is proposed to convert the amount of English fines on the basis of £ 1 = Rs. 10 in accordance with the usual practice and to insert a clause exempting the case of infringement by the construction of a building from the operation of summary remedies, thus giving effect to the similar exemption provided by section 9 of the English Act.

Clause 13—On account of the technicalities of the subject of copyright, and of the greater finality that such a tribunal will afford, it has been considered advisable to give jurisdiction to High Courts only in all suits or civil proceedings regarding infringement of copyright.

Clause 14.—This clause which is self-explanatory has been added in view of a recent decision in *Evans vs. Morris* reported in the Law Journal of 29th March 1913.

The 30th July, 1913.

HARCOURT BUTLER

W. H. VINCENT,
Secretary to the Government of India.

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th September, 1913

No. 8 OF 1913

A Bill to amend the Provincial Small Cause Courts Act, 1887.

WHEREAS it is expedient to amend the Provincial Small Cause Courts Act, 1887, It is hereby enacted as follows —

1. This Act may be called the Provincial Small Cause Courts (Amendment) Act, 1913

2. In Article 35 of Schedule II of the Provincial Amendment of Article 35, of Small Cause Courts Schedule II, Act IX of 1887 (hereinafter called the said Act), the following amendments shall be made, namely —

- (1) After item (e), the following item shall be inserted —

“(f) for any offence specified in Chapter XVII of the Indian Penal Code.”

- (2) To item (g) the following words shall be added “or for trespass or damage committed in the illegal or improper execution of any other legal process or search.”

3 After Article 43 of the same Schedule of the said Act, the following Article shall be inserted, namely —

“(43-A) a suit to recover property obtained by the commission of any offence specified in Chapter XVII of the Indian Penal Code.”

STATEMENT OF OBJECTS AND REASONS.

Under the existing law, certain suits which practically involve a criminal charge against the defendants are cognizable by Provincial Small Cause Courts, if their value is within the pecuniary jurisdiction of such tribunals. At the same time they are triable by a summary procedure which allows no right of appeal upon the facts and requires no full record of the evidence. This position is unsatisfactory, in that it deprives the defendant of the possibility of clearing his character by an appeal from an adverse decree. Additions are therefore proposed to Schedule II of Act IX of 1887, which provide for the exclusion from the cognizance of Provincial Small Cause Courts of all suits for compensation for any offence under Chapter XVII of the Indian Penal Code or for the recovery of any property taken in the commission of such offence.

2. It is further proposed to modify item (g) of Article 35 in Schedule II of Act IX of 1887 so as to include trespass or damage committed in the illegal or improper execution of any other legal process or search. Such cases are analogous to those already specified in items (b), (c) and (d) of the same Article.

The 16th June, 1913.

B. H CRADDOCK.

W. H. VINCENT,
Secretary to the Government of India.

**GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT.**

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th September, 1913.

No. 9 OF 1913.

A Bill to prevent the introduction into British India of any insect, fungus or other pest, which is or may be destructive to crops

WHEREAS it is expedient to make provision for preventing the introduction into British India of any insect, fungus or other pest, which is or may be destructive to crops, It is hereby enacted as follows —

1. This Act may be called The Destructive Insects and Pests Act, 1913

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "crops" includes all agricultural or horticultural crops, and trees or bushes,
- (b) "import" means the bringing or taking by sea or land; and
- (c) "infection" means infection by any insect, fungus or other pest injurious to a crop.

3. (1) The Governor General in Council may, by notification in the Gazette of India, prohibit or regulate, subject to such restrictions and conditions as he may impose, the import into

British India, or any part thereof, of any specified place therein, of any article or class of articles likely to cause infection to any crop.

(2) A notification under this section may specify any article or class of articles, either generally or in any particular manner, whether with reference to the country of origin or the route by which imported or otherwise

4 A notification under section 3 shall operate as if it had been issued under section 3, section 19 of the Sea Customs Act, 1878, and the officers of Customs at every port shall have the same powers in respect of any article with regard to the importation of which such a notification has been issued as they have for the time being in respect of any article the importation of which is regulated, restricted or prohibited by the law relating to Sea Customs and the law for the time being in force relating to Sea Customs or any such article shall apply accordingly.

5 (1) The Local Government may, subject to the control of the Governor General in Council, make rules for the detection, inspection, disinfection or destruction of any article in respect of which a notification has been issued under section 3 or of any article which may have been in contact or proximity thereto, and for regulating the powers and duties of the officers whom it may appoint in this behalf

(2) In making any rule under this section the Local Government may direct that a breach thereof shall be punishable with fine, which may extend to one thousand rupees

6 No suit, prosecution or other legal proceeding shall lie against any person acting under Act, for anything in good faith done or intended to be done under this Act,

STATEMENT OF OBJECTS AND REASONS.

This Bill is the outcome of representations made by the Bombay Chamber of Commerce in 1906, and it has been prepared after consultation with experts and with a considerable number of bodies and persons interested in gardening and agriculture. It gives power to Government to control the importation into British India of articles likely to cause infection to crops, and is based partly on the corresponding English Acts of 1877 and 1907, and partly on the provisions of the Indian Livestock Inspection Act of 1898

2. Action under the Bill would be taken in respect of certain crops only and would assume various forms according to the crop or the class of infection concerned. In some cases, for instance, importation would be prohibited except at certain ports, and then after fumigation. In others, importation would have to be accompanied by certificates of freedom from disease; while in others, importation would be allowed under a license from the Agricultural Department.

The 17th July, 1913.

E. D. MACLAGAN.

W. H. VINCENT,
Secretary to the Government of India.

United Provinces of Agra and Oudh Gazette.

Published by Authority

ALLAHABAD, SATURDAY, SEPTEMBER 27, 1913.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced into the Council of the Governor General for making
Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th September, 1913

No. 10 of 1913

A Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for the purpose of affording greater protection to minors, It is hereby enacted as follows —

1 This Act may be called the Indian Criminal Law and Procedure Amendment Act, 1913.

2. In sections 372 and 373 of the Indian Penal Code, for the words "shall be employed or used for the purpose of prostitution, or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be" the words "shall, at any age, be employed or used for the purpose of prostitution or illicit sexual intercourse, with any person or for any unlawful and immoral purpose, or knowing it to be likely that such minor, at any age, will be" shall be substituted

3 In section 372 of the same Code, the following Explanations shall be added, namely —
Further amendment of section 372, Act XLV of 1860

"Explanation I—When a minor female under the age of sixteen years is sold, let for hire, or otherwise disposed of to a common prostitute, the person so disposing of such minor shall, until the contrary is proved, be deemed to have disposed of such minor with the intent mentioned in this section.

"Explanation II—Illicit sexual intercourse means sexual intercourse not sanctioned by law or custom"

4 To section 373 of the same Code, the following Explanation shall be added, namely —
Further amendment of section 373, Act XLV of 1860.

"Explanation—Any common prostitute who buys, hires, or otherwise obtains possession of a minor female under the age of sixteen years shall, until the contrary is proved, be deemed to have obtained possession of such minor with the intent mentioned in this section."

5. In section 552 of the Code of Criminal Procedure, 1898, for the word "fourteen" the word "sixteen" shall be substituted.
Amendment of section 552, Act V of 1898

V of 1898

6. After section 552 of the Code of Criminal Procedure, 1893, the following sections shall be inserted, namely—

“552A (1) A Presidency or District Magistrate, upon receiving a complaint on oath, or upon his own knowledge or suspicion, that a female child, under the age of

Power to remove minor girls from undesirable guardian ship

sixteen years,—

(a) frequents the company of any common prostitute, or

(b) is lodging or residing in a house, or other place used as a human dwelling, or the part of a house or such place, used by any prostitute for purposes of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child,

may, subject to the restrictions provided in the following sub-sections, make an order removing the child from the custody of the person with whom she is living and committing her to other and suitable custody, until she attains the age of majority

“Provided that a child shall not be treated as coming within the scope of clause (a), if the only common prostitute whose company the child frequents is the mother of the child, and that the mother exercises proper guardianship and due care to protect the child from physical and moral contamination.

“(2) Before making an order under sub-section (1) the Magistrate may make such inquiry as he thinks fit, and shall issue a notice to the person with whom the child is living and shall hear and consider any evidence which he may adduce

“(3) No order under sub-section (1) shall be made—

(a) if an order of a competent Civil Court appointing a guardian of the person of the minor is in force, or

(b) unless the Magistrate is satisfied that suitable provision can be made for the custody of the child,

and in considering to what custody the child should be committed, the Magistrate shall give preference to the custody of a person of the same religion as the child

“(4) The Magistrate may, at any time, cancel or vary an order made under sub-section (1) or may, with the consent of the person to whose custody the child is committed, annex such conditions thereto as he thinks fit, and, in such a case,

such custodian shall be legally bound to o such conditions

“552B (1) When by an order under s 552A, sub-section (1), a child is removed from the custody of any person liable to maintain such child, the Magistrate making the order may, either at the time making the order, or at any subsequent date, make such order on such person for the payment, in whole or any part of the time before the child attains the age of majority, of such monthly sum to the person to whose custody the child is committed as, having regard to the circumstances of the case, seems reasonable

“(2) Every such order shall be enforceable if it were an order for maintenance made under section 488

“(3) The person to whom any sum is paid in compliance with an order under sub-section (1) shall apply the same to the maintenance of the child in respect of whom the order is made

“(4) The Magistrate may vary or cancel an order made under this section on application made by the person on whom, or in favour of whom, the order was made

“Provided that no such order shall be varied or cancelled without notice to the person other than the applicant affected by such order

“(5) Where there is any person other than the parent liable to maintain the child, an order under this section may be made on that person, notwithstanding that there may also be a parent

“552C. (1) Any person to whose custody a female child has been committed by an order under section 552A shall, whilst the order is in force, be deemed to be the lawful guardian of the person of such child; and the child shall continue in the custody of such person, notwithstanding that she is claimed by her parent or any other person

“(2) If an order under section 552A (1) is made in respect of any child and a guardian of the person of such child is subsequently appointed by a competent Civil Court, the child shall be committed to the custody of the guardian so appointed and the order of the Magistrate shall be discharged

“(3) Save as herein expressly provided, no Court shall entertain any suit or other legal proceeding to enforce any right or power which would interfere with the control of the custodian over the child which is provided for by sub-section (1).”

STATEMENT OF OBJECTS AND REASONS

On the 18th September, 1912, Mr. Dadabhoj, who was then a Member of the Imperial Legislative Council, introduced in it a Bill for the protection of women and girls and other purposes. That Bill was circulated for the opinion of Local Governments, whose reports were duly received, and in the light of them it is considered that, while Mr. Dadabhoj's measure, in the form in which it was introduced, is not altogether suitable, nevertheless the degree of acceptance which has been accorded to the principle underlying it, namely, the desirability of strengthening the law, safeguarding minor girls and of affording some facilities for the rescue of children from undesirable surroundings, justifies a cautious advance in this

direction, which it is the object of the present Bill to effect. Apart from a minor amendment to section 552 of the Criminal Procedure Code, the clauses of the Bill fall within two main categories: firstly, those which are designed to remedy defects which have been shown to exist in the working of sections 372 and 373 of the Indian Penal Code, and secondly, those which prescribe an optional procedure by which minor girls may be removed from improper guardianship under the orders of a magistrate. The purport of the principal clauses is noted below.

Clause 2—The amendment is designed to make it clear that an offence is committed under section 372 or 373 of the Indian Penal Code, when the minor is either disposed of or procured for the purpose of being sexually known either before or after attainment of the age of sixteen, and whether she is made over to a life of immorality or merely subjected to an isolated act of carnal intercourse. In either case, the child is equally deserving of protection.

Clause 3—The first explanation declares the presumption that if a minor girl is disposed of to a common prostitute, the person so disposing of her shall have done so with the improper intent mentioned in section 372 of the Indian Penal Code.

The second explanation defines the offence of illicit sexual intercourse as sexual intercourse which is not sanctioned by law or custom. It has been pointed out by several Local Governments that irregular sexual relationships prevail in certain localities which, while falling short of legal marriage, are recognized as practically equivalent to it, and do not demand the special protection of any girl affected by them, these it is proposed to exempt from the operation of the Bill.

Clause 4—The amendment is consequential to the first explanation added by clause 3.

Clause 5—The age limit in section 552 of the Criminal Procedure Code, under which a magistrate may compel the restoration of abducted females, is fourteen. It is thought that an additional measure of protection can safely be afforded by the enhancement of this age to sixteen.

Clause 6—The amendments to sections 372 and 373 of the Indian Penal Code mentioned above provide for the punishment of those who dispose of or procure children with improper intent, the provisions of clause 6 *et sequitur* are supplementary, in that they deal with the rescue of the children themselves from surroundings in which they are likely to be exposed to moral risk. The clause empowers a presidency or district magistrate, either on private complaint or of his own knowledge or suspicion, after inquiry, to direct the removal of minor girls until the age of majority from the custody of undesirable guardians (including a mother, unless the latter can show that she has taken steps to protect her daughter from physical and moral contamination), if prostitution or seduction is likely to result, provided that the magistrate is satisfied that proper arrangements can be made for the care of the child, preferably with a person of the same religion. No such order may be made, however, if an order of a competent civil Court appointing a guardian of the person of the minor is in force. Power is further taken to cancel or vary an order or to attach conditions to the custody of the child, and discretion is given to the magistrate to direct the payment of reasonable maintenance of the child by the person liable for its support. Lastly, protection is given to those to whose custody children may be made over in these circumstances, though the subsequent order of a competent civil Court appointing a guardian shall discharge the order of the magistrate making the child over to any other custody.

The 10th September, 1913

R. H. CRADDOCK.

W. H. VINCENT,

Secretary to the Government of India.

GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th September, 1913:

No. 11 of 1913

A Bill to decentralise and otherwise to facilitate the administration of certain enactments

WHEREAS it is expedient to decentralise and otherwise to facilitate the administration of certain enactments, It is hereby enacted as follows—

1. This Act may be called the Decentralization Short title Act, 1913.

2. The enactments specified in the third column of the Schedule are hereby amended to the extent and in the manner specified in the fourth column thereof.

3. Any appointment, notification, order, scheme, rule, form or bye-law made or issued by a previous authority for the making or issuing of which a new authority is substituted by or under this Act shall, unless inconsistent with this Act, be deemed to have been made or issued by such new authority unless and until superseded by an appointment, notification, order, scheme, rule, form or bye-law made or issued by such new authority.

THE SCHEDULE.

PART I.

Acts of the Governor General of India in Council

| Year | No | Short title | Amendments |
|------|-------|--|--|
| 1847 | IX | The Bengal Alluvion and Diluvion Act, 1847 | In sections 5 and 6 for the words "Board of Revenue whose orders thereupon shall be final" substitute the words "Commissioner when the amount involved does not exceed five thousand rupees and in any other case to the Board of Revenue. The orders of the Commissioner or of the Board of Revenue, as the case may be, shall be final" |
| 1859 | XI | The Bengal Land Revenue Sales Act, 1859 .. | <p>1 In section 19 for the words "Board of Revenue" substitute the word "Commissioner" and for the word "they" the word "he"</p> <p>2 In section 26 omit the words "if they see cause may recommend to the Local Government to annul the sale, and the Local Government in any such case"</p> <p>3 In section 32 for the word "Government," where that word occurs for the first time, substitute the words "the Board of Revenue"</p> <p>4 In section 49 omit the words "or the Local Government"</p> |
| " | XII | The Calcutta Pilots Act, 1859 | In section 17 omit the words "with the sanction of the Governor General in Council" and the words "and sanctioned" |
| " | XXIV | The Madras District Police Act, 1859 ... | <p>1. In section 5 omit the words "and who shall receive such salary as the Governor General of India in Council shall allow"</p> <p>2 In section 8 for the words "with the sanction" substitute the words "subject to the control"</p> |
| 1861 | V | The Police Act, 1861 ... | In section 2 for the word "sanction" substitute the word "control" |
| 1863 | XXIII | The Waste lands (Claims) Act, 1863 | <p>1. In section 5 omit the words "Board of Revenue or other" and insert after the word "authorities," where that word occurs for the first time, the words "to which he is immediately subordinate" and omit the words "Board or other," wherever these words occur in the section.</p> <p>2. In sections 4, 6, 10, 22 and 23 for the words "Local Government," wherever these words occur, substitute the words "Board of Revenue."</p> |
| 1871 | I | The Cattle Trespass Act, 1871 ... | In section 26 for the words "The Local Government," wherever these words occur, substitute the words "the Magistrate of the District" |

THE SCHEDULE

PART I.

Acts of the Governor General of India in Council—contd.

| Year | No | Short title | Amendments |
|------|------|---|---|
| 872 | IV | The Punjab Laws Act, 1872 | In section 50-A for the word "No" substitute the word "All" and for the word "valid" substitute the words "subject to the control of the Governor General in Council and no such rules shall be valid" and omit clause (c) |
| 873 | III | The Madras Civil Courts Act, 1873 | 1 In sections 3 and 4 omit the provisos 2 In section 6 omit the words "or whenever the Governor General in Council has sanctioned an addition to the number of District Judges or Subordinate Judges under the provisions of section 3 or section 4" 3 In section 7 omit the words "or whenever the Governor General in Council has sanctioned an addition to the number of District Munsifs under the provisions of section 4" 4 In section 28 for the words "Local Government" substitute the words "High Court" and omit the words "rupees fifty or on the recommendation of the High Court up to any amount not exceeding" |
| " | VIII | The Northern India Canal and Drainage Act, 1873 | 1 In section 65 omit the words "with the previous sanction of the Governor General in Council" 2 In section 75 for the words "with the previous sanction" substitute the words "subject to the control" and for the words "with the like sanction" substitute the words "subject to the like control" |
| 874 | IX | The European Vagrancy Act, 1874 | 1 In section 11 omit the words "with the previous sanction of the Governor General in Council" 2 In section 14 for the words "with the previous sanction" substitute the words "subject to the control" 3 In section 36 for the words "the Governor General in Council" substitute the words "the Local Government subject to the control of the Governor General in Council" and for the words "Gazette of India," substitute the words "local official Gazette" |
| 76 | VI | The Chota Nagpur Incumbered Estates Act, 1876 | In section 19 after the word "may," where that word occurs for the first time, insert the words "subject to the control of the Governor General in Council" and omit the words "approved by the Governor General in Council and" |
| " | XIX | The Dramatic Performances Act, 1876 | In section 10 omit the words "with the sanction of the Governor General in Council" |

THE SCHEDULE.

PART I.

Acts of the Governor General of India in Council—contd

| Year | No | Short title | Amendments |
|------|------|-------------------------------|--|
| 1878 | VIII | The Sea Customs Act, 1878 ... | <ol style="list-style-type: none"> 1 In section 9 omit the words "with the sanction of the Local Government" 2 In sections 11, 12, 14, 19A, 53, 75, 76, 79, 89, 85, 96, 116, 130, 144, 147, 148, 151 proviso, and 182, for the words "Local Government," wherever these words occur, substitute the words "Chief Customs authority" 3 In sections 15, 16, 17, 26, 56, 76, 104, 106, 108, 107, 117, 122, 162, 179 and 199, for the words "Chief Customs-authority" substitute the words "Chief Customs Officer" and for the word "its," when used in relation to the Chief Customs-authority, substitute the word "his," 4 In the proviso to section 42, after the words "Chief Customs-authority" insert the words "or the Chief Customs Officer" and to the said proviso, add the following words, namely, "Provided further that the Chief Customs Officer shall not extend the term to a period exceeding three years" 5 In sections 101 and 125, for the words "Chief Customs-authority or such officer of Customs as such authority from time to time appoints in this behalf," substitute the words "Chief Customs Officer" 6 In section 107, for the word "authority" substitute the word "officer" 7 In section 128, for the words "Governor General in Council" substitute the words "Local Government," and for the words "Gazette of India," substitute the words "local official gazette" 8 In section 183, for the words "with the previous sanction" substitute the words "subject to the control" 9 In section 164, for the words "the Chief Customs-authority may" substitute the words "the Chief Customs Officer may grant or", for the words "the Chief Customs-authority" and "such authority," wherever these words occur elsewhere in the section, substitute the words "the Chief Customs Officer", and before the words "was authorized," insert the words "made or" 10 In the Schedule in section 187 in entries 6 and 7, for the words "Chief Customs-authority" substitute the words "Chief Customs Officer" and in entries 13 and 54 for the words "Local Government" the words "Chief Customs-authority" 11 In section 206, for the words "Customs Collector shall, with the sanction of the Chief Customs-authority" substitute the words "Chief Customs Officer or, the Customs Collector, with the sanction of the Chief Customs Officer, shall" and add the following proviso, namely — "Provided that compensation exceeding Rs 250 shall be paid with the sanction of the Chief Customs-authority." |

THE SCHEDULE.

PART I.

Acts of the Governor General of India in Council—contd.

| Year | No. | Short title | Amendments |
|------|------|---|--|
| 1879 | III | The Destruction of Records Act, 1879 | In section 5 omit the words "and sanctioned by the Governor General in Council" |
| " | XIII | The Oudh Civil Courts Act, 1879 | <p>1 In section 7 omit the words "and with the previous sanction of the Governor General in Council."</p> <p>2 In section 17 for the words "Local Government" substitute the words "Judicial Commissioners" and omit the words "on the recommendation of the Judicial Commissioner"</p> <p>3 In section 24 for the words "Local Government" substitute the words "Judicial Commissioner"</p> |
| 1879 | XIV | The Hackney-carriage Act, 1879 | <p>1 In section 8 for the words "Local Government," wherever these words occur, substitute the word "Commissioner"</p> <p>2 In section 4 omit the words "subject to the control of the Governor General in Council"</p> <p>3 In section 5 for the words "Local Government," where these words occur for the first time, substitute the word "Commissioner"</p> |
| " | XVII | The Dekkhan Agriculturists' Relief Act, 1879 | <p>1 In sections 84, 88, 40 and 55 for the words "Local Government," wherever they occur in these sections, substitute the word "Commissioner"</p> <p>2 In section 55 for the word "it," except where that word occurs for the last time, substitute the word "he" and for the word "it," where it occurs for the last time, substitute the word "him"</p> |
| 1880 | V | The Burma Boundaries Act, 1880 | In sections 28 and 32 for the words "Chief Commissioner" substitute the words "Financial Commissioner" subject to the control of the Local Government |
| " | XIII | The Vaccination Act, 1880 | <p>1 In section 2, clause (7), omit the words "by the Local Government"</p> <p>2 In section 4 for the words "with the previous sanction" substitute the words "subject to the control"</p> <p>3 In sections 8 and 19 for the words "Local Government," wherever they occur in these sections, substitute the word "Commissioner"</p> |
| 1881 | XXVI | The Negotiable Instruments Act, 1881 | <p>1 In the definition of "notary public" in section 3 for the words "Governor General in Council" substitute the words "Local Government."</p> <p>2 In sections 188 and 189 for the words "Governor General in Council" substitute the words "Local Government"</p> |
| 1883 | I | The Central Provinces Local Self-government Act, 1883 | In section 32 (1) omit the words "with the previous approval of the Governor General in Council" |

THE SCHEDULE

PART I.

Acts of the Governor General of India in Council—contd

| Year | No | Short title | Amendments. |
|------|-----|--|--|
| 1853 | XIX | The Land Improvement Loans Act, 1853 | <p>1 In section 10, omit the words "subject to the control of the Governor General in Council"</p> <p>2 After section 11, add the following section— "12 The powers conferred on a Local Government by sections 4 (1), 5 (1), 10 and 11 may, in a province for which there is a Board of Revenue or a Financial Commissioner, be exercised in the like manner and subject to the like conditions by such Board or Financial Commissioner, as the case may be. Provided that rules made by a Board of Revenue or Financial Commissioner shall be subject to the control of the Local Government"</p> |
| " | XX | The Punjab District Boards Act, 1883 | <p>1 In section 36, sub-section (2), after the words "as the", wherever they occur, insert the words "Local Government, subject to the control of the"</p> <p>2 In section 51 omit the words "with the previous approval of the Governor General in Council" and the proviso</p> <p>3 In section 55, omit the letter and words "(b) make rules regulating the powers of district boards to make, vary and dispose of investments" from clause (1) and insert them under clause (2) after the words "make rules for", and to the section, after the words "have been notified" add the words "Rules made under clause (2) (b) shall be subject to the control of the Governor General in Council"</p> |
| 1884 | XII | The Agriculturists' Loans Act, 1884 | In section 4, sub-section (1), omit the words "subject to the control of the Governor General in Council" and after the words "Local Government" insert the words "or, in a province for which there is a Board of Revenue or Financial Commissioner, such Board or Financial Commissioner, subject to the control of the Local Government" |
| 1886 | II | The Indian Income-tax Act, 1886 | <p>Add a new section, namely—</p> <p>"50-A. The Local Government may, by notification in the local official Gazette, delegate all or any of the powers conferred on it by sections 16 (5), 18 (1) (a), (b), (c), 30 (2), (4), 38 (3) and 40 to the Chief Revenue authority, by which expression is meant the Board of Revenue or the Financial Commissioner in those provinces where these authorities exist and in any other case such authority as the Local Government may declare to be the Chief Revenue authority"</p> |
| 1887 | IX | The Provincial Small Cause Courts Act, 1887. | In sections 5 and 8 omit the words "with the previous sanction of the Governor General in Council" |

THE SCHEDULE.

PART I.

Acts of the Governor General of India in Council—contd

| Year | No | Short title | Amendments. |
|------|-------|---|---|
| 1887 | XII | The Bengal, Agra and Assam Civil Courts Act, 1887 | <p>1 For section 4 substitute the following section, namely —</p> <p>"4 The Local Government may alter the number of Subordinate Judges and Munsifs now fixed and, with the previous sanction of the Governor General, the number of District Judges"</p> <p>2 Omit section 5</p> <p>3. In section 6 (1) for the words "the Governor General in Council has sanctioned an increase of the number of District Judges or Subordinate Judges" substitute the words "an increase in the number of District or Subordinate Judges has been made under the provisions of section 4"</p> <p>4 In section 7(2) for the words "with the previous sanction" substitute the words "subject to the control"</p> <p>5 To section 10, sub-section (2), and to sections 25 and 34 (1), add the following proviso, namely —</p> <p>"Provided that the Local Government may, by notification in the local official Gazette, delegate to the High Court its powers under this section."</p> |
| | XVI | The Punjab Tenancy Act, 1887 | <p>1 In sections 61(3) and 88(1) omit the words "with the previous sanction of the Governor General in Council"</p> <p>2. In section 106, sub-section (3), for the words, "not take effect until they have been sanctioned by" substitute the words "be made subject to the control of"</p> |
| | XVII | The Punjab Land Revenue Act, 1887 | <p>1. In section 7, sub-section (1), omit the words "with the previous sanction of the Governor General in Council"</p> <p>2 In section 118 (2) omit the words "to the Commissioner" and for the word "Commissioner", where it occurs for the second time substitute the words "authority to whom the appeal has been preferred."</p> <p>3. In section 155, sub-section (3), omit the words "and rules under clause (c) of sub-section (1) shall not take effect until they have also been confirmed by the Governor General in Council"</p> |
| 1888 | XVIII | The Burma Financial Commissioner's Act, 1888. | <p>In section 2, sub-section (1), omit the words "with the previous sanction of the Governor General in Council."</p> |

THE SCHEDULE

PART I.

Acts of the Governor General of India in Council—contd.

| Year | No | Short title | Amendments |
|------|------|---|---|
| 1890 | I | The Revenue Recovery Act, 1890 | In section 3, sub-section (2), after the word "it" insert the words "or any officer to whom such Collector may, by order in writing, delegate this duty" |
| 1892 | VII | The Madras City Civil Court Act, 1892 | In section 10 omit the words "and the sanction of the Governor General in Council" |
| 1894 | I | The Land Acquisition Act, 1894 | In section 55, sub-section (1), after the word "shall" insert the words "subject to the control of the Governor General in Council" and in sub-section (3) of the same section omit the words "when sanctioned by the Governor General in Council" |
| 1895 | XIV | The Pilgrim Ships Act, 1895 | In section 58, sub-section (2), omit the words "with the previous sanction of the Governor General in Council" |
| 1896 | II | The Cotton Duties Act, 1896 | 1. In sections 12 and 13 for the words "Chief Customs-authority", wherever they occur in those sections, substitute the word "Collector." 2. In section 16, sub-section (1), for the words "Local Government", wherever they occur, substitute the words "Chief Customs-authority" |
| " | VIII | The Inland Bonded Warehouses Act, 1896... | In section 7 omit the words "with the previous sanction of the Governor General in Council" |
| 1897 | VIII | The Reformatory Schools Act, 1897 | In section 5 omit the words "with the previous sanction of the Governor General in Council" |
| 1899 | II | The Indian Stamp Act, 1899 ... | 1. In section 39, sub-section (1), omit the words "upon application made to him in this behalf or if no application is made with the consent of the Chief Controlling Revenue-authority" 2. In section 49 for the words "Governor General in Council" substitute the words "Local Government" 3. In section 51 after the word "Revenue-authority" insert the words "or the Collector if empowered by the Chief Controlling Revenue Authority in this behalf" 4. After section 78 insert a new section, namely — "78-A The Local Government may, by notification in the local official Gazette, delegate— Delegation of certain powers. (a) all or any of the powers conferred on it by sections 2 (9), 33 (3) (b), 70 (1), 74 and 78 to the Chief Controlling Revenue authority, and (b) all or any of the powers conferred on the Chief Controlling Revenue-authority by sections 45 (1) (2), 56 (1) and 70 (2) to such subordinate Revenue-authority as may be specified in the notification." |

THE SCHEDULE

PART I.

Acts of the Governor General of India in Council—contd

| Year. | No | Short title | Amendments |
|-------|------|--|--|
| 1899 | VIII | The Indian Petroleum Act, 1899 | To section 5 sub-section (1), after the words "Local Government" add the words "or an officer appointed by the Local Government in this behalf" |
| 1900 | VI | The Lower Burma Courts Act, 1900 | 1. In section 23, sub-section (1), for the words "may be approved by the Governor General in Council" substitute the words "it may think fit." 2. In section 23, sub section (2), omit the words "with the previous sanction of the Governor General in Council" and the words "of its own authority" |
| 1901 | VIII | The Indian Mines Act, 1901 | 1. In section 20, sub-section (1), for the words "with the previous sanction" substitute the words "subject to the control". 2. In section 29 for the words "The Governor General in Council" substitute the words "The Local Government" and for the words "the Gazette of India" the words "the local official Gazette" and for the word "him" substitute the word "it" |
| 1902 | II | The Cantonments (House accommodation) Act, 1902 | In section 10, sub section (1), for the words "Local Government" substitute the word "Commissioner" |
| 1903 | XVI | The Central Provinces Municipal Act, 1903 | 1. In section 51, sub-section (3), for the words "Governor General in Council" substitute the words "Local Government" 2. In section 149, sub-section (1), omit the words "with the previous sanction of the Governor General in Council" |
| 1904 | IV | The North-West Border Military Police Act, 1904 | In section 18 for the words "with the previous sanction" substitute the words "subject to the control" |
| " | VII | The Ancient Monuments Preservation Act, 1904 | 1. In section 3 for the words "Local Government," wherever these words occur, substitute the word "Commissioner" 2. In section 4, sub-section (2), for the words "with the like sanction" substitute the words "with the sanction of the Commissioner" and in sub-section (3) of the same section omit the words "with the sanction of the Local Government" 3. In section 5 in sub-sections (1) and (5) for the words "Local Government" substitute the word "Commissioner" 4. In sections 18 and 20 for the words "Local Government", wherever they occur, substitute the word "Commissioner" |
| 1907 | III | The Provincial Insolvency Act, 1907 | In section 9, sub-section (1), omit the words "with the previous sanction of the Governor General in Council" |
| 1908 | XIII | The Central Provinces Financial Commissioners' Act, 1908 | In section 2, sub-section (2), omit the words "with the previous sanction of the Governor General in Council" |

THE SCHEDULE.

PART I.

Acts of the Governor General of India in Council—conold

| Year | No | Short title | Amendments |
|------|------|-----------------------------------|--|
| 1908 | V | The Code of Civil Procedure, 1908 | In section 138, sub-section (1), for the words "Local Government" substitute the words "High Court" |
| " | XVI | The Indian Registration Act, 1908 | <p>1 In section 6 after the word "and" insert the words "the Inspector General of Registration may appoint any such persons as he thinks fit"</p> <p>2 In section 12 for the words "Local Government" substitute the words "Inspector General of Registration"</p> <p>3 In section 13, sub-section (1), before the word "all" insert the words "all appointments made by the Inspector General under section 6 and"</p> <p>4 To section 13 (3) add the words "and the Inspector General of Registration may exercise the like power in the case of Sub-Registrars"</p> <p>5 In sections 14 and 78 for the word "approval" substitute the word "control"</p> |
| " | XVII | The Indian Emigration Act, 1908 | <p>1 In section 11 for the words "Governor General in Council" substitute the words "Local Government"</p> <p>2 In section 50 for the words "obtained from the Local Government" substitute the words "granted in accordance with the provisions of this Act"</p> <p>3 In section 51, sub section (1), for the words "through the Protector of Emigrants to the Local Government" substitute the words "to the Protector of Emigrants."</p> <p>4 In section 52, sub-section (2), for the words "Local Government" substitute the words "Protector of Emigrants", and for the word "it" substitute the word "he"</p> <p>5 In section 53, sub-section (1), clause (a), omit the words "the Protector of Emigrants and"</p> <p>6 In section 102, sub section (1), for the words "Governor General in Council" substitute the words "Local Government", and for the words "Gazette of India" substitute the words "local official Gazette"</p> |

THE SCHEDULE.

PART II.

Regulations made by the Governor General of India in Council under section 1 of the Government of India Act, 1870.

| Year. | No. | Short title | Amendments |
|-------|------|---|--|
| 1887 | VIII | The Ajmer Irrigation Regulation, 1887 .. | In section 4, sub-section (1), for the words "with the previous sanction" substitute the words "subject to the control" |
| " | XII | The Upper Burma Ruby Regulation, 1887... | 1 In section 4 omit the words "with the previous sanction of the Governor General in Council", wherever they occur 2 In section 5, sub-section (2), clause (b), insert after the word "directs" the words "and in accordance with such conditions, if any, as to the time, place and mode of payment as it may direct" and omit sub-section (3) |
| 1899 | I | The Coorg Land and Revenue Regulation, 1899 | In section 60, sub-section (1), omit the words "with the previous sanction of the Governor General in Council" |
| 1900 | VI | The Coorg District Fund Regulation, 1900 .. | 1 In section 8 omit the words "with the previous sanction of the Governor General in Council" 2 In section 9 omit the words "with the sanction of the Governor General in Council." |
| 1907 | II | The Coorg Municipal Regulation, 1907 . | 1 In section 60, sub-section (3), for the words "Governor General in Council" substitute the words "Chief Commissioner" 2 In section 143, sub-section (1), omit the words "with the previous sanction of the Governor General in Council" |

THE SCHEDULE

PART III.

Bengal Regulations.

| Year. | No. | Short title | Amendments. |
|-------|-----|--|---|
| 1799 | V | The Bengal Wills and Intestacy Regulation, 1799. | In section 7, the amendment made by the Repealing and Amending Act, 1903, Schedule II, Part I, is repealed, and for the word "Governor General in Council for his substitute the words "Board of Revenue, or in Assam, to the Local Government, for its." |

STATEMENT OF OBJECTS AND REASONS.

In accordance with the recommendations of the Royal Commission on Decentralization a general Delegation Bill, providing with certain safeguards for the delegation by notification to a lower authority of powers and duties vested by law in a higher authority, was introduced in the Imperial Legislative Council on the 23rd September, 1911. It was eventually decided, however, to abandon that Bill, and to substitute for it a Decentralization Bill accompanied by schedules indicating precisely the delegations of powers which it is proposed to effect in particular Acts. The draft Bill is confined to Acts of the Imperial Legislature, and provincial Acts will be left to be dealt with in local Decentralization Bills. The Schedule to the Bill shows the nature of the amendments contemplated in Acts of the Imperial Legislature of general or local application.

2. So far as enactments dealing with revenue and cognate matters are concerned, it is proposed to legislate in two directions. The first is in the substitution of the control of the Governor General in Council for his sanction in connection with the framing of rules, or in the elimination of control, where such control is considered unnecessary. The sections and Acts affected are.—

The Northern India Canal and Drainage Act, 1873 (VIII of 1873), Section 75, The Chota Nagpur Incumbered Estates Act, 1876 (VI of 1876), Section 19, The Destruction of Records Act, 1879 (III of 1879), Section 5; The Land Improvement Loans Act, 1883 (XIX of 1883), Section 10, The Agriculturists' Loans Act, 1884 (XII of 1884), Section 4, The Punjab Tenancy Act, 1887 (XVI of 1887), Sections 61(3), 8(2) and 106, The Punjab Land-revenue Act, 1887 (XVII of 1887), Section 155; The Land Acquisition Act, 1894 (I of 1894), Section 55, The Amere Irrigation Regulation, 1887 (VIII of 1887), Section 4; The Coorg Land and Revenue Regulation, 1899 (I of 1899), Section 60.

The second direction in which legislation is contemplated is in the delegation to a lower agency of certain powers which are at present vested in the Government of India, in a Local Government or in a specified subordinate authority. The sections and Acts affected are —

The Bengal Land-revenue Sales Act, 1859 (XI of 1859), Sections 19, 26, 32 and 49; The Waste-lands (Claims) Act, 1863 (XXIII of 1863), Sections 4, 5, 6, 10, 22 and 23, The Burma Boundaries Act, 1880 (V of 1880), Sections 28 and 32, The Land Improvement Loans Act, 1883 (XIX of 1883), new Section 11; The Agriculturists' Loans Act (XII of 1884), Section 4, The Punjab Land-revenue Act, 1887 (XVII of 1887), Sections 7(2) and 118(2), The Revenue Recovery Act, 1890 (I of 1890), Section 3(2).

3. The reasons for the more important delegations of powers proposed in other Acts are indicated below —

The Calcutta Pilots Act, 1859, Section 17.—The Bengal Pilot Service is under the immediate control of the Local Government, and, apart from cases in which the general right of appeal to the Government of India is involved, the latter exercise no control, in practice, over the Service in matters affecting discipline. It is therefore proposed to dispense with the provision requiring the previous sanction of the Government of India to the preparation of a schedule of punishments for offences committed by members of the Service.

The Police Act, 1861, the Schedule, Part I, Section 2 and the Madras District Police Act, 1859, Sections 6 and 8.—These delegations will obviate the necessity for a reference to the Government of India except when financial rules require it.

The Madras Civil Courts Act, 1873, Sections 3 and 4.—These delegations will enable the Local Government, within the limits of their financial powers, to add to the number of district courts, subordinate judges and munsifs, without reference to the Government of India. *Section 28.*—The High Court is in the best position to say whether the powers in question can safely be granted or not.

The Northern India Canal and Drainage Act, 1873.—It is no longer considered necessary that a Local Government should, as required by section 65 of the Northern India Canal and Drainage Act, obtain the sanction of the Governor General in Council before requisitioning labour for annual silt clearances from canals.

The Sea Customs Act, 1878.—The delegations which it is proposed to make are intended to increase the powers at present exercised by the Chief Customs authorities and the Chief Customs Officers at the various ports. They will considerably shorten Customs procedure and will tend to the more expeditious despatch of public business at the Customs-houses. Most of the delegations proposed were suggested by the maritime Local Governments and have been accepted after careful consideration by the Government of India.

The Cotton Duties Act, 1896.—The above remarks apply also to the delegations which it is proposed to make under this Act.

The Oudh Civil Courts Act, 1879, Section 7.—This delegation will enable the United Provinces Government to appoint additional Judges within the limits of its financial powers, without reference to the Government of India. *Sections 17 and 24.*—The Judicial Commissioner is in the best position to say whether the pecuniary jurisdiction of a munsif or a subordinate judge should be raised.

The Indian Income-tax Act, 1886.—The amendment to the Income Tax Act now proposed gives Local Governments the option of delegating certain powers now exercised solely by them to the Board of Revenue or the Financial Commissioner, as the case may be.

The points covered relate chiefly to minor matters of procedure in relation to publication and notice, and to recovery of arrears. It is proposed also to allow delegation to the Chief Revenue Authority of power to sanction prosecutions on behalf of the Local Government. In a province which may possess either a Board of Revenue or a Financial Commissioner, the delegation contemplated may be to such authority as the Local Government declares to be the Chief Revenue Authority for the province.

The Provincial Small Cause Courts Act, 1887, Sections 5 (1) and 8 (1)—These delegations will enable Local Governments to establish Courts of Small Causes and to appoint additional Judges to such courts within the limits of their financial powers, without reference to the Government of India.

The Bihar, Agri and Assam Civil Courts Act, 1857, Sections 4 and 5—Local Governments will be able to alter the number of subordinate judges and munsifs within the limits of their financial powers, without reference to the Government of India. *Sections 19, 25 and 54 (1)*—A permissive power of delegation to the High Court is provided, so as to give the Local Governments a free hand in the matter.

The Indian Bonded Warehouses Act, 1896—It is proposed to dispense with the previous sanction of the Governor General in Council to the rules made by Local Governments under section 7 of this Act. The provisions of sections 5 to 7 of the Act have up to the present been extended to the Presidency of Bengal and the province of Bihar and Orissa only, and the rules under section 7 relate purely to matters of detail with which the Local Governments concerned are fully competent to deal on their own authority.

The Indian Stamp Act, 1899—The first of the proposed amendments to the Indian Stamp Act empowers the Collector to refund the penalty paid under section 14 (1) of his own motion without reference to the Chief Controlling Revenue Authority. The second delegates to Local Governments the powers, at present possessed only by the Governor General in Council, to make rules governing the powers of the Collector to make allowance for spoiled stamps. The third amendment empowers the Chief Controlling Revenue Authority to delegate to Collectors the power, conferred on the former by section 51, of making allowance in the case of printed forms no longer required by corporations. The fourth amendment is on lines similar to those followed in the proposed amendment of the Indian Income Tax Act, and authorizes, as regards certain incidental matters of administrative procedure, the delegation of powers now exercised by Local Governments to the Chief Revenue Authority, and of powers at present exercised solely by the latter to a suitable subordinate authority.

The Lower Burma Courts Act 1900, Section 23—This will give the Local Government powers which other Local Governments exercise without the intervention of the Governor General in Council.

The Indian Mines Act, 1901, Section 20 (1)—It is proposed to dispense with the previous sanction of the Governor General in Council to the issue of rules by Local Governments, but to retain a general control under which the Governor General in Council can require Local Governments to submit, for his approval, rules regarding minerals of special importance. *Section 29*—The power of exempting mines from the operation of the Act may be suitably exercised by Local Governments who are in a better position to judge of the merits of application for exemption.

The Cantonments (House-accommodation) Act, 1902—As at present drafted section 10 (1) of the Cantonments (House Accommodation) Act, II of 1902, provides that the power to allow the occupation of houses in any cantonment or part of a cantonment in which the Act has been declared to be operative, for the purposes of a hospital, bank, hotel, shop or school, or by a railway administration, shall be exercised by the Officer Commanding the Division, after the concurrence of the Local Government has been obtained. It is considered desirable that the concurrence of the Divisional Commissioner should be substituted for that of the Local Government.

The Indian Registration Act, 1908, Sections 6, 12, 13 (1) and 13 (3)—The proposed delegations to the Inspector General of Registration under sections 6 and 13 (3) will save time and unnecessary correspondence with the Local Government. Consequential amendments are proposed in sections 12 and 13 (1). *Sections 14 and 78*—It is considered sufficient for the Governor General in Council to retain merely a power of control in these matters, which are mainly of local interest.

The Indian Emigration Act, 1908, Sections 11 and 102—It is considered that the powers exercised by the Government of India to authorize the payment of special fees to Emigration Agents and to determine probable length of voyages for the purposes of the Act, should be delegated to Local Governments. It is proposed to amend sections 50-53 to enable the Protector of Emigrants to grant licenses to masters of vessels to carry emigrants. It appears unnecessary to require the orders of the Local Government for the issue of such licenses.

The Upper Burma Rody Regulation, 1857, Sections 4 and 5(2) and (3)—As the Regulation is of local application only, it is considered that the rule-making powers conferred by section 4 on the Local Government should be exercised by it without a previous reference to the Government of India.

R. H. CRADDOCK.

W. H. VINCENT,

Secretary to the Government of India.

The 13th September, 1913.

**GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT**

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th September, 1913

No. 12 OF 1913.

A Bill to consolidate and amend the law relating to Motor Vehicles in British India

WHEREAS it is expedient to consolidate and amend the law relating to motor vehicles in British India, It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title, extent and commencement. **1** (1) This Act may be called the Indian Motor Vehicles Act, 1913

(2) This Act except Part III thereof extends to the whole of British India including British Baluchistan, the Southal Parganas and the Pargana of Spiti. Part III extends in the first instance only to the Provinces of Madras, Bombay, Bengal, the United Provinces of Agra and Oudh, the Punjab, Burma, Bihar and Orissa and the North-West Frontier Province. The Local Government may, by notification in the local official Gazette, extend Part III to any other part of British India.

(3) It shall come into force on such date as the Governor General in Council by notification in the Gazette of India may direct.

2. "Motor vehicle" includes a vehicle, carriage or other means of conveyance propelled, or which may be propelled, on a road by electrical or mechanical power either entirely or partially.

"Public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass.

PART II

PROVISIONS OF GENERAL APPLICATION

3 (1) No person under the age of sixteen years shall drive a motor vehicle in any public place.

(2) No owner or person in charge of a motor vehicle shall permit or allow any person under the age of sixteen years to drive the same in any public place, and in the event of a contravention of sub-section (1), the onus of proving that the motor vehicle was driven without his permission or consent, shall rest on the owner or person in charge of the vehicle.

4. The person in charge of a motor vehicle shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary—

(a) when requested to do so by any police-officer for the purpose of regulating traffic or of ascertaining his name and address with a view to prosecuting such person under this Act or for any

purpose connected with the enforcement of the provisions of this Act or the rules thereunder, or

(b) when requested to do so by any person having charge of a horse, or other animal (whether led, driven or ridden) if such person apprehends that the animal is or will be alarmed by the motor vehicle, or

(c) when he knows or has reason to believe that an accident has occurred to any person or to any animal or vehicle in charge of a person owing to the presence of the motor vehicle on the road, and he shall also, as required, give his name and address and the name and address of the owner of such motor vehicle.

5. Whoever contravenes the provisions of section 3 or 4 shall be punishable with fine which may extend to two hundred rupees.

6 Whoever drives a motor vehicle in a public place recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the place, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, in the place, shall on conviction be punished with fine which may extend to two hundred rupees.

PART III

LICENSING AND CONTROL

7 No person shall drive a motor vehicle in a public place unless he is licensed for the purpose, and no person shall employ or allow any person who is not so licensed to drive a motor vehicle.

Provided that, subject to rules made by the Local Government in this behalf this section shall not apply to a person receiving instruction in driving a motor vehicle.

8 The holder of a license shall not lend it to, or allow it to be used by, any other person.

9 The driver of a motor vehicle shall produce his license upon demand by any police-officer above the rank of constable.

10 Every license to drive a motor vehicle shall be valid in such area as may be specified therein.

Provided that no license shall specify any area outside the province in which it is granted, unless it is issued by such authority and in accordance with such conditions and restrictions as the Governor General in Council may prescribe.

11 (1) The Local Government may, subject to the control of the Governor General in Council and to the condition of previous publication, make rules consistent with this Act for regulating, in the whole or any part of the territories under its administration, the use of motor vehicles or any class of motor vehicles in public places.

(2) In particular and without prejudice to the generality of the foregoing power, the Local Government may make rules for all or any of the following purposes, namely —

- (a) providing for the registration of, and the conditions under which, motor vehicles may be registered, the fee payable for registration, and the notification of changes of ownership,
- (b) providing for facilitating the identification of motor vehicles by the assignment of distinguishing numbers to motor vehicles and the displaying of number and name plates thereon, or in any other manner
- (c) prescribing the authority by which, and the conditions under which, drivers of motor vehicles or any class of such drivers may be licensed, the fees payable for such licenses and (subject to the provisions of section 10) the area within which, and the duration for which, licenses shall be valid
- (d) prohibiting the letting or plying for hire of any motor vehicle except under such conditions as may be prescribed,
- (e) prescribing the precautions to be observed when motor vehicles are standing in any public place,
- (f) the speed at which motor vehicles may be driven generally or in any particular public place,
- (g) regulating the construction and equipment of motor vehicles including the provision and use of lights, bells, horns, brakes, speed-indicators or other appliances,
- (h) prohibiting or regulating the driving of motor vehicles in public places, where their use may be attended with danger or inconvenience to the public, and
- (i) generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property, or of obstruction to traffic

(3) All rules made under this section shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted in this Act

12 Such authority as the Local Government

may direct shall give public notice, in such manner as may be prescribed, of any rule, made by the Local Government under section 11, prohibiting or regulating the use of motor vehicles in any public place, or limiting the speed of motor vehicles in any such place, and, for the purpose of giving effect to any such rule, shall display conspicuous notices at or near the place to which the rule refers.

13. Whoever contravenes the provisions of sections 7, 8 and 9, or of any rule made under section 11, shall be punishable with fine which may extend to fifty rupees, and in the event of such person having been previously convicted of an offence under this Act, or any rule made thereunder, with fine which may extend to one hundred rupees

14 The Local Government may, by notification in the local official Gazette, exclude any area specified in the local official Gazette, from the operation of this Part, and may, by a like notification, exempt either generally or for a specified period any motor vehicle or class of motor vehicles from the operation of all or any of the provisions of this Part

PART IV

MOTOR VEHICLES TEMPORARILY LEAVING OR VISITING BRITISH INDIA

15 (1) The Governor General in Council may make rules for all or any of the following purposes, namely —

- (r) for the grant and authentication of any travelling passes, certificates or authorities for the use of persons temporarily taking their motor vehicles out of British India, or to drivers of such vehicles when proceeding out of British India for the purpose of driving such vehicles, and
- (s) prescribing the conditions subject to which motor vehicles brought temporarily into British India by persons intending to make a temporary stay there may be possessed, used and driven

(2) All rules made under this section shall be published in the Gazette of India, and, on such publication, shall have effect as if enacted in this Act

16 Nothing in this Act or in any rule made under Part III relating to—

- (a) the registration of motor vehicles,
- (b) requirements as to construction, identification or equipment of such vehicles, or
- (c) the licensing or qualifications of drivers of such vehicles,

shall apply in the case of any motor vehicle such as is referred to in clause (2) of sub-section (1) of section 15, or of any person possessing, using or driving the same, provided that the requirements of any rule made under the said clause and applicable to such vehicle or person are complied with

PART V

MISCELLANEOUS.

17 (1) Any police-officer may, without an order from a Magistrate and without a warrant, arrest any person found committing a breach of the provisions of this Act or any rule made thereunder, if the name and residence of such person is unknown to such officer and cannot be ascertained by him then and there.

(2) When any such arrest has been made, the provisions of section 57, sub-sections (2) and (3), and sections 60 to 63 of the Code of Criminal Procedure, 1898, shall apply.

18 No Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence punishable under this Act or any rule made thereunder

Cancellation and suspension of license and disqualification for obtaining license

19 (1) The Local Government may, in its discretion,

(a) cancel or suspend any license granted under this Act, and

(a) declare any person disqualified for obtaining a license under this Act either permanently or for such period as it thinks fit

(2) Any Court by which any person is convicted of an offence against the provisions of this Act or any rule made thereunder, or of any offence in connection with the driving of a motor vehicle may, in respect of such person and of his license, if any, exercise the like powers as are conferred by sub-section (1) on the Local Government, and if such person holds a license, shall cause particulars of the conviction to be endorsed thereon.

(3) Any Court before which the holder of a license under this Act is accused of any offence mentioned in sub-section (2) may suspend such license until the termination of the proceedings before it.

(4) A copy of every order of cancellation, suspension and disqualification made under this section in respect of a license or the holder of a license shall be endorsed on the license and a copy of every endorsement in accordance with the provisions of this section, shall be sent to the authority by which such license has been granted

(5) Every holder of a license shall, when called upon to do so, produce his license to any authority acting under this section

(6) A person whose license is suspended in accordance with the provisions of this section, shall, during the period of suspension, be disqualified for obtaining a license

(7) No person whose license has been endorsed shall apply for, or obtain, a license without giving particulars of the endorsement

20. The enactments mentioned in the Schedule are repealed to the extent specified in the fourth column thereof provided that any appointment, notification, order, rule, form or license made or issued under any of the said Acts, shall so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been issued under the provisions of this Act unless and until it is superseded by any appointment, notification, order, rule, form or license made or issued under this Act

SCHEDULE

(SEE SECTION 20.)

Enactments Repealed

| Year | No | Short title | Extent of repeal. |
|-------------------------------|-----|--|-------------------|
| I—Act of the Governor General | | | |
| 1912 | XII | The Motor-Vehicles International Circulation Act, 1912 | The whole. |
| II—Madras Act | | | |
| 1907 | I | The Madras Motor-Vehicles Act, 1907 | The whole. |
| III—Bombay Act | | | |
| 1904 | II | The Bombay Motor-Vehicles Act, 1904 | The whole |
| IV.—Bengal Act | | | |
| 1903 | III | The Bengal Motor Car and Cycle Act, 1903 | The whole |
| V—United Provinces Act | | | |
| 1911 | II | The United Provinces Motor-Vehicles Act, 1911 | The whole |
| VI—Punjab Act. | | | |
| 1907 | II | The Punjab Motor-Vehicles Act, 1907 | The whole |
| VII—Burma Act. | | | |
| 1906 | II | The Burma Motor-Vehicles Act, 1906 | The whole. |

STATEMENT OF OBJECTS AND REASONS

The development of the use of motor vehicles as the result of the increasing number of persons who seek to travel by this means both within and outside the limits of individual provinces, has emphasised the desirability of re-examining the Indian legislation on the subject.

Madras Act I of 1907.

Bombay Act II of 1901

Bengal Act III of 1908

The United Provinces Act II of 1911

The Punjab Act II of 1907

Burma Act II of 1906

At present the law is contained in six separate provincial Acts,* which, though exhibiting no important differences of principle, are not identical in form. In the interests of simplicity, and in order that owners of motor cars may be saved the inconvenience of reference to different provincial Acts, it is thought that the time has now come

when the law on the subject may usefully be consolidated.

2. The present Bill has accordingly been drafted with the intention of introducing uniform provisions on important matters of principle and embodying the best local features in the different existing Acts, while, so far as possible, avoiding any substantial departure from the several provincial Acts which it will replace. Subsidiary matters will still be governed by local rules suitable to the varying conditions of different provinces, but under the procedure of one general Act, it is probable that such regulations will be framed on more uniform lines than is at present the case. In particular, power is conferred to grant licenses valid in more than one province, provided they are issued in accordance with such conditions and restrictions as the Governor General in Council may prescribe. The object of the Bill, in short, is to promote the convenience of motorists and to give increased facilities for motor travel. The Motor Vehicles International Circulation Act, 1912 (XII of 1912), was the first step in this direction, and its provisions are re-enacted in the present Bill.

3. The following are the more noticeable provisions of the Bill —

Clause 1 — As regards the extent of the Act, Part III, which deals with licensing and control, has been extended in the first instance only to those provinces in which or in parts of which such provisions already exist, but it will be open to other Local Governments to notify its extension within their jurisdiction, while under *clause 14* they can similarly exclude specified areas from its operation.

Clause 3 — Prohibits the driving of motor vehicles by persons under 16 years of age, the English law prescribes an age-limit of 17 years in the case of drivers of ordinary motors, with a lower limit of 14 in the case of motor cycles. It is considered that the complication of two limits may usefully be avoided by the adoption of a general minimum which the circumstances of this country would appear to justify.

Clauses 4 and 6 — These clauses are intended to afford the protection to the public everywhere against reckless and inconsiderate driving to which it would appear to be entitled.

Clause 7 — Provides for a licensing system in those provinces to which this Part of the Act applies, although it will be observed that a person receiving instructions in driving, subject to any rules made in this behalf, is exempt from this requirement.

Clause 10 — Enables licenses to be granted with validity beyond the province in which they are granted, while reserving power to the Governor General in Council to regulate the grant of such licenses.

Clause 11 — Confers a rule-making power upon Local Governments on the different points which the examination of the various provincial Acts indicates as actually arising in practice.

Clauses 15 and 16 — Follow the Motor Vehicles International Circulation Act, 1912.

Clause 17 — Confers a power of arrest without warrant which is a necessary condition of the efficient regulation of traffic of this description.

Clause 18 — Limits the trial of offences under the Act to Courts not inferior to those of a Presidency Magistrate or a Magistrate of the second class.

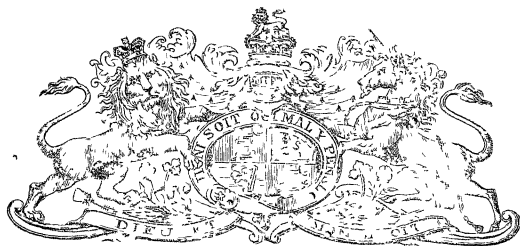
Clause 19 — Empowers the Local Government to cancel or suspend any license, or to declare any person disqualified for obtaining a license, thus protecting the public against incompetent or unsuitable drivers. A Court, trying the holder of a license for any offence under the Act, may also suspend the license pending the termination of the proceedings.

Clause 20 — Repeals the Motor Vehicles International Circulation Act, 1912, and the different existing provincial Acts on the subject of motor vehicles.

The 9th September, 1913.

R. H. CRADDOCK

W. H. VINCENT,
Secretary to the Government of India.



Government Gazette.

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to this part, in order that it may be filed as a separate compilation

Published by Authority.

ALLAHABAD, SATURDAY, MARCH 8, 1913.

PARI VI.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 27th February 1913, and is hereby promulgated for general information —

ACT No. I OF 1913.

An Act to amend the Indian Extradition Act, 1903

1903 WHEREAS it is expedient to amend the Indian Extradition Act, 1903, It is hereby enacted as follows —

1. This Act may be called the Indian Extradition (Amendment) Act, 1913

1903. 2. (1) In sub-section (1) of section 7 of the Amendment of sec Indian Extradition Act, tion 7, Act XV, 1903 1903, after the words "such person is believed to be," the words "or if such person is believed to be in any Presidency-town to the Chief Presidency Magistrate of such town" shall be inserted

(2) In sub-section (2) of the same section after the words "accused person when arrested shall" the words "be produced before the District Magistrate or Chief Presidency Magistrate, as the case

may be, who shall record any statement made by him, such accused person shall then" shall be inserted

(3) In sub-section (3) of the same section after the words "District Magistrate", the words "or Chief Presidency Magistrate" shall be inserted

3. After section 8 of the said Act the following Addition of new sec section shall be inserted, tion after section 8, Act namely — XV, 1903

8A Notwithstanding anything contained in section 7, sub-section (2) or in section 8, when an accused person arrested in accordance with the provisions of section 7 is produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, and the statement (if any) of such accused person has been recorded, such Magistrate may, if he thinks fit, before proceeding further report the case to the Local Government and, pending the receipt of orders on such report, may detain such accused person in custody or release him on his executing a bond with sufficient sureties for his attendance when required "

W H VINCENT,
Secretary to the Government of India.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 27th February, 1913, and is hereby promulgated for general information —

ACT No II OF 1913

**THE OFFICIAL TRUSTEES ACT,
1913.**

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An Act to consolidate and amend the Law constituting the office of Official Trustee

WHEREAS it is expedient to consolidate and amend the law constituting the office of the Official Trustee, It is hereby enacted as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Official Trustee Act, 1913
Short title, extent and commencement

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas, and applies also to all British and Indian subjects of His Majesty in the territories of Native States in India

(3) It shall come into force on such date as the Governor General in Council, by notification in the Gazette of India, may direct

2. In this Act unless there is anything repugnant in the subject or context,—

(1) "Government" means the Governor General in Council, so far as the Act relates to the Presidency of Bengal, and the Local Governments of Madras and Bombay, respectively, so far as the Act relates to those Presidencies

(2) "High Court" means His Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay, respectively, in the exercise of their original civil jurisdiction

(3) "Official Gazette" means, in the case of the Presidency of Bengal, the Gazette of India, in the case of the Presidency of Madras, the Fort St George Gazette, and in the case of the Presidency of Bombay, the Bombay Government Gazette

(4) "Prescribed" means prescribed by rules under this Act

(5) (a) "Presidency of Bengal" includes the territories for the time being under the government of the Governor of Fort William in Bengal in Council, the United Provinces of Agra and Oudh, the Provinces of the Punjab, Burma, Bihar and Orissa, the Central Provinces, Assam, the North-West Frontier Province, the Province of Delhi, Ajmer and Merwara, the Andaman and Nicobar Islands, and such of the territories of any Native State as the Governor General in Council may by notification in the Gazette of India direct,

(b) "Presidency of Bombay" includes the territories for the time being under the government of the Governor of Bombay in Council, the Province of British Baluchistan, and such of the territories of any Native State as the Governor General in Council may by notification in the Gazette of India direct,

(c) "Presidency of Madras" includes the territories for the time being under the government of the Governor of Fort St George in Council, the Province of Coorg, and such of the territories of any Native State as the Governor General in Council may by notification in the Gazette of India direct

(6) "Presidency" means any of the Presidencies mentioned in clause (5)

3. For the purposes of this Act the High Court at a Presidency-town shall have jurisdiction throughout the Presidency

PART II

THE OFFICE OF OFFICIAL TRUSTEE

4. (1) In each of the Presidencies of Bengal, Madras and Bombay, the Official Trustee Government shall appoint an Official Trustee

(2) No person shall be appointed to the office of Official Trustee of any of the said Presidencies who is not—

(a) a Barrister, or

(b) an Advocate, Attorney or Vakil enrolled by a High Court, or

(c) a person holding the office of Deputy Administrator General at the commencement of this Act

(3) The said Official Trustees shall be called respectively, the Official Trustee of Bengal, the Official Trustee of Madras and the Official Trustee of Bombay

5. The Government may appoint a Deputy or Deputies to assist the Official Trustee, and any Deputy so appointed shall, subject to the control of the Government and the general or special orders of the Official Trustee, be competent to discharge any of the duties and exercise any of the powers of the Official Trustee, and when discharging such duties or exercising such powers shall have the same privileges and be subject to the same liabilities as the Official Trustee

6. The Official Trustee shall be a corporation sole, to be sole by the name of the Official Trustee of the Presidency for which he is appointed and, as such Official Trustee, shall have perpetual succession and an official seal, and may sue and be sued in his corporate name.

PART III

RIGHTS, POWERS, DUTIES AND LIABILITIES OF OFFICIAL TRUSTEE

7. (1) Subject to, and in accordance with, the General powers and provisions of this Act and duties of Official Trustee the rules made thereunder, the Official Trustee may, if he thinks fit,—

(a) act as an ordinary trustee,

(b) be appointed trustee by a Court of competent jurisdiction

(2) Save as hereinafter expressly provided, an Official Trustee shall have the same powers, ties and liabilities and be entitled to the same rights and privileges and be subject to the same control and orders of the Court as any other trustee acting in the same capacity.

(3) The Official Trustee may decline, either solely or except on such conditions as he may pose, to accept any trust.

(4) The Official Trustee shall not accept any trust under any composition or scheme of arrangement for the benefit of creditors, nor of any estate owned or believed by him to be insolvent.

(5) The Official Trustee shall not, save as provided by any rules made under this Act, accept any trust for a religious purpose or any trust which involves the management or carrying on of any business.

(6) The Official Trustee shall not administer the estate of a deceased person, unless he is expressly appointed sole executor or, and sole trustee under, the will of such person.

(7) The Official Trustee shall always be sole trustee, and it shall not be lawful to appoint the Official Trustee to be trustee along with any other person.

8 (1) Any person intending to create a trust other than a trust which is prohibited from acceptance under the provisions of this Act may by instrument creating the trust and with the consent of the Official Trustee, appoint him by that name or any other sufficient description to be trustee of the property subject to such trust.

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee.

(2) Upon such appointment the property subject to the trust shall vest in such Official Trustee, and shall be held by him upon the trusts declared in such instrument.

9 When the Official Trustee has by that name or any other sufficient description been appointed trustee under any will, the executor of the will of such testator or the administrator of his estate shall, after obtaining probate or letters of administration, notify in the prescribed manner the contents of such will to such Official Trustee, and, if such Official Trustee consents to accept the trust, then upon the execution by such executor or administrator of an instrument in writing transferring the property subject to the trust to the Official Trustee, such property shall vest in such Official Trustee, and shall be held by him upon the trusts expressed in the said will.

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee.

10 (1) If any property is subject to a trust other than a trust which the Official Trustee is prohibited from accepting under the provisions of this Act, and there is no trustee within the local limits of the ordinary or extraordinary original civil jurisdiction of the High Court willing or capable to act in the trust, the High Court may on application make an

order for the appointment of the Official Trustee by that name with his consent to be the trustee of such property.

(2) Upon such order such property shall vest in the Official Trustee and shall be held by him upon the same trusts as the same was held previously to such order, and the previous trustee or trustees (if any) shall be exempt from liability as trustees of such property save in respect of acts done before the date of such order.

(3) Nothing in this section shall be deemed to affect the provisions of the Trustees' and Mortgagees' Powers Act, 1866, or the Indian Trusts Act, 1882. XXVIII of 1886 II of 1882

11 (1) If any property is subject to a trust other than a trust which the Official Trustee is prohibited from accepting under the provisions of this Act, and all the trustees or the surviving or continuing trustee or trustees and all persons beneficially interested in the trust are desirous that the Official Trustee shall be appointed in the room of such trustee or trustees, it shall be lawful for such trustee or trustees, by an instrument in writing to appoint the Official Trustee by that name or any other sufficient description with his consent to be the trustee of such property.

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by him.

(2) Upon such appointment such property shall vest in the Official Trustee and shall be held by him upon the same trusts as the same was held previously to such appointment, and the previous trustee or trustees shall be exempt from all liability as trustees of such property save in respect of acts done before the date of such appointment.

12 (1) If any infant or lunatic is entitled to any gift, legacy or share of the assets of a deceased person, it shall be lawful for the person by whom such gift is made, or executor or administrator by whom such legacy or share is payable or transferable, or any trustee of such gift, legacy or share, to transfer the same by an instrument in writing to the Official Trustee by that name or any other sufficient description with his consent.

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee.

(2) Any money or property transferred to the Official Trustee under this section shall vest in him and shall be subject to the same provisions as are contained in this Act as to other property vested in such Official Trustee.

13 (1) No Official Trustee shall be required by any Court to enter into any bond or security on his appointment in any capacity under this Act.

(2) No Official Trustee or Deputy Official Trustee shall be required to verify otherwise than by his signature any petition presented by him under the provisions of this Act, and if the facts stated in any such petition are not within the Official Trustee's personal knowledge, the petition may be verified and subscribed by any person competent to make the verification.

into provinces for the purposes of this Act;

(b) direct that for the purposes of this Act any of the territories of any Native State in India shall be included in any Province so constituted, and

(c) appoint any person qualified in accordance with the provisions of sub-section (2) of section 4, or who holds office under Government to be an Official Trustee for any such Province, to be called the Official Trustee of the Province,

and subject to the provisions of this section the following consequences shall thereupon ensue, namely—

(i) the Official Trustee of a Province shall by that name have the like rights, powers, privileges and liabilities, and perform the like duties in the Province as the Official Trustee of the Presidency within which such territories were included had and performed as Official Trustee therein, and shall be deemed to be his successor in office

(ii) the powers and duties of the Government under this Act shall, as regards the Province, be exercised and discharged by the Governor General in Council, or by such Local Government as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf, and the Gazette of the Government exercising and discharging such powers and duties shall be the official Gazette of the Province for the purposes of this Act

(iii) the powers and duties assigned by the foregoing provisions of this Act to the High Court shall be exercised and discharged in respect of such Province by such Court as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf

(iv) in the foregoing provisions of this Act, the word "Presidency" shall be deemed to include a province, and

(v) generally, the provisions of the foregoing sections with respect to the High Court and the provisions of this Act and of any other enactment for the time being in force with respect to the Official Trustee of a Presidency shall, in relation to a Province, be construed so far as may be to apply to the Court and the Official Trustee respectively appointed for the Province under this section

(2) Any proceeding which was commenced before the publication of the notification constituting the province and to or in which the Official Trustee of any Presidency within which any territories constituted into a Province are situate was a party or was otherwise concerned shall be continued as if the notification had not been published

(3) If by reason of the constitution of provinces for the purposes of this Act it appears to the Governor General in Council that any property

vested in the Official Trustee of any Presidency should be vested in the Official Trustee of a Province, he may direct that the property shall be so vested, and thereupon it shall vest in the Official Trustee of the Province as fully and effectually for the purposes of this Act as if it had originally been vested in him under this Act

(4) If in accordance with the provisions of this section territories have been removed from the Presidency of Bengal and constituted a Province for the purposes of this Act, the Governor General in Council may, by notification in the Gazette of India, direct that as regards the Presidency of Bengal excluding the territories so removed the powers and duties of the Government under the Act shall be exercised and discharged by the Local Government of Bengal, and that the official Gazette shall be the Calcutta Gazette

(5) Upon the rescission of a notification constituting a Province under sub-section (1), the territories comprised therein shall again form part of the Presidency within which they were originally included, the office of Official Trustee for the Province shall determine and all properties vested in and all proceedings by or against such Official Trustee pending at the date of the rescission shall vest in and be carried on by or against such Official Trustee or Official Trustees as the Governor General in Council may direct

32 Nothing contained in this Act shall be deemed to affect the provisions of the Indian Registration Act, 1908

33. The enactments specified in the Schedule are hereby repealed to the extent specified in the fourth column thereof

Provided that any property subject to a trust by or in pursuance of any such enactment vested in any Official Trustee at the commencement of this Act shall be deemed to be vested in the Official Trustee under this Act to be held by him upon the same trusts as those upon which such property was held before such commencement

THE SCHEDULE

ENACTMENTS REPEALED
(See section 33)

| Year | No | Short title | Extent of repeal |
|------|------|---|--|
| 1864 | XVII | The Official Trustees Act, 1864 | So much as has not already been repealed. |
| 1890 | II | The Probate and Administration Act, 1890 | So much of the title and preamble as relates to the Official Trustees Act, 1864, and sections 1 to 8 |
| 1902 | V | The Administrator General and Official Trustees Act, 1902 | So far as it refers to the office of Official Trustee, or Deputy Official Trustee |

W H VINCENT,
Secretary to the Government of India

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 27th February 1913, and is hereby promulgated for general information —

ACT No III OF 1913

THE ADMINISTRATOR GENERAL'S ACT, 1913.

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32. Grant of certificate to creditors and power to take charge of certain estates
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An Act to consolidate and amend the law relating to the office and duties of Administrator General

WHEREAS it is expedient to consolidate and amend the law relating to the office and duties of Administrator General, It is hereby enacted as follows—

PART I

PRELIMINARY

1 (1) This Act may be called the Administrator-General Act, 1918

Short title, extent and commencement

(2) It extends to the whole of British India, including the Sonthal Parganas and British Baluchistan, and applies also to all British and Indian subjects of His Majesty in the territories of Native States in India

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct

2 In this Act, unless there is anything repugnant in the subject or context,—

Interpretation clause

(1) "assets" means all the property, moveable and immovable, of a deceased person, which is chargeable with, and applicable to, the payment of his debts and legacies, or available for distribution among his heirs and next-of-kin

(2) "exempted person" means an Indian Christian, a Hindu, Muhammadan, Parsi or Buddhist, or a person exempted under section 382 of the Indian Succession Act, 1865, from the operation of that Act

(3) "Government" means the Governor General in Council, so far as the Act relates to the Presidency of Bengal and the Local Governments of Madras and Bombay respectively, so far as the Act relates to those Presidencies

(4) "Indian Christian" means a Native of India who is or in good faith claims to be of unmixed Asiatic descent, and who professes any form of the Christian religion

(5) "Letters of Administration" includes any letters of administration, whether general or with a copy of the will annexed, or limited in time or otherwise

(6) "next-of-kin" includes a widower or widow of a deceased person, or any other person who by law would be entitled to letters of administration in preference to a creditor or legatee of the deceased

(7) "Official Gazette" means, in the case of the Presidency of Bengal, the Gazette of India, and in the cases of the Presidencies of Madras and Bombay, the Fort St George and Bombay Government Gazettes, respectively

(8) "Prescribed" means prescribed by rules under this Act:

(9) (a) "Presidency of Bengal" includes the territories for the time being under the government of the Governor in Council, the United Provinces of Agra and Oudh, the provinces of the Punjab, Burma, Bihar and Orissa, the Central Provinces, Assam, the North-West Frontier Province, the province of Delhi, Ajmer and Merwara, the Andaman and Nicobar Islands, and such of the territories of Native States aforesaid as the Governor General in Council may, by notification in the Gazette of India, direct

(b) "Presidency of Bombay" includes the territories for the time being under the government of the Governor of Bombay in Council, the Province of British Baluchistan, and such of the territories of Native States aforesaid as the Governor General in Council may, by notification in the Gazette of India, direct

(c) "Presidency of Madras" includes the territories for the time being under the government of the Governor of Fort St George in Council, the province of Coorg, and such of the territories of Native States aforesaid as the Governor General in Council may, by notification in the Gazette of India, direct

(10) "Presidency" means any of the Presidencies mentioned in clause (9)

PART II

THE OFFICE OF ADMINISTRATOR GENERAL

3. (1) In each of the Presidencies of Bengal, Madras and Bombay, the Government shall appoint an Administrator General

Appointment and designation of the Administrators General in the three Presidencies

(2) No person shall be appointed to the office of Administrator General of any of the said Presidencies who is not—

(a) a Barrister, or

(b) an Advocate, Attorney or Vakil enrolled by a High Court, or

(c) a person holding the office of Deputy Administrator General at the commencement of this Act

(3) The said Administrators General shall be called respectively the Administrator General of Bengal, the Administrator General of Madras, and the Administrator General of Bombay

4. The Government may appoint a Deputy or Deputies to assist the Administrator General, and

Appointment and powers of Deputy Administrators General
any Deputy so appointed shall, subject to the control of the Government and the general or special orders of the Administrator General, be competent to discharge any of the duties and to exercise any of the powers of the Administrator General, and when discharging such duties or exercising such powers shall have the same privileges and

be subject to the same liabilities as the Administrator General.

5 The Administrator General shall be a corporation sole by the name of the Administrator General of the Presidency for which he is appointed and, as such Administrator General, shall have perpetual succession and an official seal, and may sue and be sued in his corporate name.

PART III

RIGHTS, POWERS, DUTIES AND LIABILITIES OF THE ADMINISTRATOR GENERAL

(a) Grants of Letters of Administration and Probate.

6. So far as regards the Administrator General of any Presidency, the High Court at the Presidency-town shall be deemed to be a Court of competent jurisdiction for the purpose of granting probate or letters of administration under any law for the time being in force wheresoever within the Presidency the estate to be administered is situate.

7. Any letters of administration, which are granted after the commencement of this Act by the High Court at any Presidency-town, shall be granted to the Administrator General of the Presidency, unless they are granted to the next-of-kin of the deceased.

8. The Administrator General of the Presidency shall be deemed by all the Courts in the Presidency to have a right to letters of administration other than letters *pendente lite* in preference to that of—

- (a) a creditor, or
- (b) a legatee other than an universal legatee, or
- (c) a friend of the deceased.

9. If any person, not being an exempted person, has died leaving within any Presidency assets exceeding the value of one thousand rupees,

and if no person to whom any Court would have jurisdiction to commit administration of such assets has, within one month after his death, applied in such Presidency for probate of his will, or for letters of administration of his estate,

the Administrator General of the Presidency in which such assets are shall, subject to any rules made by the Government, within a reasonable time after he has had notice of the death of such person, and of his having left such assets, take

such proceedings as may be necessary to obtain from the High Court at the Presidency-town letters of administration of the estate of such person.

10. Whenever any person has died leaving assets within the local limits of the ordinary original civil jurisdiction of the High Court at a

Presidency-town, the Court, on being satisfied that danger is to be apprehended of misappropriation, deterioration or waste of such assets unless letters of administration of the estate of such person are granted, may upon the application of the Administrator General or of any person interested in such assets or in the due administration thereof, make an order, upon such terms as to indemnifying the Administrator General against costs and other expenses as the Court thinks fit, directing the Administrator General to apply for letters of administration of the estate of such person.

Provided that, in the case of an application being made under this section for letters of administration of the estate of an exempted person, the Court may refuse to grant letters of administration, if it is satisfied that such grant is unnecessary for the protection of the assets, and in such case the Court shall make such order as to the costs of the application as it thinks fit.

11. (1) Whenever any person has died leaving assets within the local limits of the ordinary original civil jurisdiction of any of the said High Courts,

and such Court is satisfied that there is no person immediately available, who is legally entitled to the succession to such assets, or that danger is to be apprehended of misappropriation, deterioration or waste of such assets, before it can be determined who may be legally entitled to the succession thereto, or whether the Administrator General is entitled to letters of administration of the estate of such deceased person,

the Court may, upon the application of the Administrator General or of any person interested in such assets, or in the due administration thereof, forthwith direct the Administrator General to collect and take possession of such assets, and to hold, deposit, realize, sell or invest the same according to the directions of the Court, and in default of any such directions according to the provisions of this Act so far as the same are applicable to such assets.

(2) Any order of the Court made under the provisions of this section shall entitle the Administrator General,

- (a) to maintain any suit or proceeding for the recovery of such assets, and
- (b) if he thinks fit, to apply for letters of administration of the estate of such deceased person, and
- (c) to retain out of the assets of the estate any fees chargeable under rules made under this Act, and to reimburse himself for all payments made by him in respect of such assets which a private administrator might lawfully have made,

12. If, in the course of proceedings to obtain letters of administration under the provisions of section 9, section 10, or section 11, any person appears and establishes his claim—

- (a) to probate of the will of the deceased, or
(b) to letters of administration as next-of-kin of the deceased, and gives such security as may be required of him by law,

the Court shall grant probate of the will or letters of administration accordingly, and shall award to the Administrator General the costs of any proceedings taken by him, under those sections to be paid out of the estate as part of the testamentary or intestate expenses thereof.

13. If, in the course of proceedings to obtain letters of administration under the provisions of section 9, section 10 or section 11, no person appears and establishes his claim to probate of a will, or to a grant of letters of administration as next-of-kin of the deceased, within such period as to the Court seems reasonable,

or if a person who has established his claim to a grant of letters of administration as next-of-kin of the deceased fails to give such security as may be required of him by law,

the Court may grant letters of administration to the Administrator General.

14. Nothing in this Act shall be deemed to preclude the Administrator General from applying to the Court for letters of administration in any case within the period of one month from the death of the deceased.

(b) Estates of Persons subject to the Army Act

15. Nothing in this Act shall be deemed to affect the provisions of the Regimental Debts Act, 1893.

16. It shall not be necessary for the Administrator General to take out letters of administration of the estate of any deceased person which is being administered by him in accordance with the provisions of the Regimental Debts Act, 1893, if the value of such estate does not on the date when such administration is committed to him exceed rupees one thousand, but he shall have the same power in regard to such estate as he would have had if letters of administration had been granted to him.

17. If the Administrator General applies, in accordance with the provisions of the Regimental Debts Act, 1893, for letters of administration of the estate of any person subject to the Army Act, the Court may grant to him letters of administration limited to the purpose of dealing with such estate in accordance with the provisions of the Regimental Debts Act, 1893.

(c) Revocation of Grants

18. If an executor or next-of-kin of the deceased, who has not been personally served with a citation or who has not had notice thereof in time to appear pursuant thereto establishes to the satisfaction of the Court a claim to probate of a will or to letters of administration in preference to the Administrator General, any letters of administration granted in accordance with the provisions of this Act to the Administrator General may be revoked, and probate or letters of administration may be granted to such executor or next-of-kin as the case may be.

Provided that no letters of administration granted to the Administrator General shall be revoked for the cause aforesaid, except in cases in which a will of the deceased is proved in the Presidency, unless the application for that purpose is made within six months after the grant to the Administrator General and the Court is satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application is made.

19. If any letters of administration granted to the Administrator General in accordance with the provisions of this Act are revoked, the Court may order the costs of obtaining such letters of administration, and the whole or any part of any fees which would otherwise have been payable under this Act, together with the costs of the Administrator General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator General out of the estate.

Provided that nothing in this section shall affect the provisions of clause (c) of sub-section (2) of section 11.

20. If any letters of administration granted to the Administrator General in accordance with the provisions of this Act are revoked, the same shall, so far as regards the Administrator General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable, except as to any act done by any such Administrator General or other person as aforesaid, after notice of a will or of any other fact which would render such letters void.

Provided that no notice of a will or of any other fact which would render any such letters void shall affect the Administrator General or any person acting under his authority in pursuance of such letters unless, within the period of one month from the time of giving such notice, proceedings are commenced to prove the will, or to cause the letters to be revoked, and such proceedings are prosecuted without unreasonable delay.

21. If any letters of administration granted to the Administrator General in accordance with the provisions of this Act are revoked, upon the grant of probate of a will, or upon the grant of letters of administration with a copy of the will annexed, all payments made or acts done

Grant of probate or letters of administration to person appearing in the course of proceedings taken by Administrator General under sections 9, 10 and 11.

Recall of Administrator General's administration, and grant of probate, etc., to executor or next-of-kin.

Cost of obtaining administration etc., may, on revocation, be ordered to be paid to Administrator General out of assets.

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by or under the authority of the Administrator General in pursuance of such letters of administration, prior to the revocation, which would have been valid under any letters of administration lawfully granted to him with a copy of such will annexed, shall be deemed valid notwithstanding such revocation.

(d) *General*

22 Whenever any Administrator General applies for letters of administration in accordance with the provisions of this Act, it shall be sufficient if the petition required to be presented for the grant of such letters states,

Administrator General's petition for grant of letters of administration

(i) the time and place of the death of the deceased to the best of the knowledge and belief of the petitioner,

(ii) the names and addresses of the surviving next-of-kin of the deceased if known,

(iii) the particulars and value of the assets likely to come into the hands of the petitioner,

(iv) particulars of the liabilities of the estate if known.

23 (1) All probates or letters of administration granted to any Administrator General shall be granted to him by that name, and all probates or letters of administration heretofore granted to the Ecclesiastical Registrar, or to the Administrator General of any

Probates or letters to be granted to Administrator General by his name of office, and powers of that officer in cases in which probate or letters of administration have been granted to the Ecclesiastical Registrar

Presidency shall authorise the Administrator General of the same Presidency to act as executor or administrator, as the case may be, of the estate to which such probate or letters relate.

(2) All probates and letters of administration granted to the Ecclesiastical Registrar of any of the late Supreme Courts shall have the same effect in all respects as to any act hereafter done or required to be done under this Act as if they had been granted to the Administrator General.

Probate or letters of administration granted by the High Court at any Presidency-town to the Administrator General of any Presidency shall have effect

Effect of probate or letters granted to Administrator General

over all the assets of the deceased throughout such Presidency, and shall be conclusive as to the representative title against all debtors of the deceased and all persons holding such assets, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such assets to such Administrator General.

Provided that the High Court may direct, by its grant, that such probate or letters of administration shall have like effect throughout one or more of the other Presidencies.

Whenever a grant is made by a High Court to the Administrator General with such effect as last aforesaid, the Court shall send to the other High Courts a certificate that such grant has been made, and such certificate shall be filed by the Courts receiving the same.

25 (1) Any private executor or administrator may, with the previous consent of the Administrator General of the Presidency in which any of the assets of the estate, in respect of which such executor or

Transfer by private executor or administrator of interest under probate or letters

administrator has obtained probate or letters of administration, are situate, by an instrument in writing under his hand notified in the official Gazette, transfer the assets of the estate vested in him by virtue of such probate or letters to the Administrator General by that name or any other sufficient description.

(2) As from the date of such transfer the transferor shall be exempt from all liability as such executor or administrator, as the case may be, except in respect of acts done before the date of such transfer, and the Administrator General shall have the rights which he would have had, and be subject to the liabilities to which he would have been subject, if the probate or letters of administration, as the case may be, had been granted to him by that name at the date of such transfer.

26. (1) When the Administrator General has given the prescribed notice for creditors and others to

Distribution of assets send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims as he has notice of.

(2) He shall not be liable for the assets so distributed to any person of whose claim he had not notice at the time of such distribution.

(3) No notice of any claim which has been sent in and has been rejected or disallowed in part by the Administrator General shall affect him unless proceedings to enforce such claim are commenced within one month after notice of the rejection or disallowance of such claim has been given in the prescribed manner and unless such proceedings are prosecuted without unreasonable delay.

(4) Nothing in this section shall prejudice the right of any creditor or other claimant to follow the assets or any part thereof in the hands of the persons who may have received the same respectively.

(5) In computing the period of limitation for any suit, appeal or application under the provisions of any law for the time being in force, the period between the date of submission of the claim of a creditor to the Administrator General and the date of the final decision of the Administrator General on such claim shall be excluded.

27. (1) When the Administrator General has, so far as may be, discharged all the liabilities of an estate administered by him, he shall notify the fact in the official Gazette, and he may, by an instrument in writing, with the consent of the Official Trustee and subject to any rules made by the Government, appoint the Official Trustee to be the trustee of any assets then remaining in his hands.

(2) Upon such appointment such assets shall vest in the Official Trustee as if he had been appointed trustee in accordance with the provisions of the Official Trustees Act, 1913, and shall be held by him upon the same trusts as the same were held immediately before such appointment.

28. (1) The High Court at the Presidency-town may, on application made to it, give to the Administrator General of the Presidency any general or special directions as to any estate in his charge or in regard to the administration of any such estate.

Appointment of Official Trustee as trustee of assets after completion of administration

Power of High Court to give directions regarding administration of estate

(2) Applications under sub-section (1) may be made by the Administrator General or any person interested in the assets or in the due administration thereof

29. (1) No Administrator General shall be required by any Court to enter into any administration-bond, or to give other security to the Court, on the grant of any letters of administration to him by that name.

(2) No Administrator General or Deputy Administrator General shall be required to verify, otherwise than by his signature, any petition presented by him under the provisions of this Act, and, if the facts stated in any such petition are not within the Administrator General's own personal knowledge, the petition may be subscribed and verified by any person competent to make the verification.

(3) The entry of the Administrator General by that name in the books of a Company shall not constitute notice of a trust, and a Company shall not be entitled to object to enter the name of the Administrator General on its register by reason only that the Administrator General is a corporation and in dealing with assets the fact that the person dealt with is the Administrator General shall not of itself constitute notice of a trust.

30. The Administrator General may, whenever he desires, for the purposes of this Act, to satisfy himself regarding any question of fact, examine upon oath (which he is hereby authorised to administer) any person who is willing to be so examined by him regarding such question.

(e) *Grant of Certificates*

31. Whenever any person has died leaving assets within any Presidency, and the Administrator General of such Presidency is satisfied that such assets, excluding any sum of money deposited in a Government Savings Bank, or in any Provident Fund to which the provisions of the Provident Funds Act, 1897, apply, did not at the date of death exceed in the whole one thousand rupees—in value, he may, after the lapse of one month from the death if he thinks fit, or before the lapse of the said month if he is requested so to do by writing under the hand of the executor or the widow or other person entitled to administer the estate of the deceased, grant to any person, claiming otherwise than as a creditor to be interested in such assets, or in the due administration thereof, a certificate under his hand entitling the claimant to receive the assets therein mentioned left by the deceased, within the Presidency to a value not exceeding in the whole one thousand rupees.

Provided that no certificate shall be granted under this section—

(a) where probate of the deceased's will or letters of administration of his estate has or have been granted, or

(a) in respect of any sum of money deposited in a Government Savings Bank or in any Provident Fund to which the provisions of the Provident Funds Act, 1897, apply.

32. If, in cases falling within section 31, no

person claiming to be interested otherwise than as a creditor in such assets or in the due administration thereof obtains, within three months of the death of the deceased a certificate from the Administrator General under the same section, or probate of a will or letters of administration of the estate of the deceased, and such deceased was not an exempted person, or was an exempted person who has left assets within the ordinary original civil jurisdiction of the High Court, or within any area notified by the Government in this behalf in the official Gazette, the Administrator General may administer the estate without letters of administration, in the same manner as if such letters had been granted to him,

and if he neglects or refuses to administer such estate, he shall, upon the application of a creditor, grant a certificate to him in the same manner as if he were interested in such assets otherwise than as a creditor,

and such certificate shall have the same effect as a certificate granted under the provisions of section 31, and shall be subject to all the provisions of this Act which are applicable to such certificate.

Provided that the Administrator General may, before granting such certificate, if he thinks fit, require the creditor to give reasonable security for the due administration of the estate of the deceased.

33 The Administrator General shall not be bound to grant any certificate under section 31 or section 32, unless he is satisfied of the title of the claimant and of the value of the assets left by the deceased within the presidency, either by the oath of the claimant, or by such other evidence as he requires.

34 The holder of a certificate granted in accordance with the provisions of section 31 or section 32 shall have in respect of the assets specified in such certificate the same powers and duties, and be subject to the same liabilities as he would have had or been subject to if letters of administration had been granted to him.

Provided that nothing in this section shall be deemed to require any person holding such certificate,

(a) to file accounts or inventories of the assets of the deceased before any Court or other authority, or

(b) save as provided in section 32 to give any bond for the due administration of the estate.

35 The Administrator General may revoke a certificate granted under the provisions of section 31 or section 32 on any of the following grounds, namely:—

(a) that the certificate was obtained by fraud or misrepresentation made to him,

(a) that the certificate was obtained by means of an untrue allegation of a fact essential in law to justify the grant though such allegation was made in ignorance or inadvertently.

36 (1) When a certificate is revoked in accordance with the provisions of section 35, the holder thereof

shall, on the requisition of the Administrator General, deliver it up to such Administrator General, but shall not be entitled to the refund of any fee paid thereon.

(2) If such person wilfully and without reasonable cause omits to deliver up the certificate, he shall be punishable with imprisonment which may extend to three months, or, with fine which may extend to one thousand rupees, or with both.

37. The Administrator General shall not be bound to take out letters of administration of the estate of any deceased person on account of the assets in respect of which he grants any certificate, under section 31 or section 32, but he may do so if he revokes such certificate under section 35 or ascertains that the value of the estate exceeded one thousand rupees.

38. Where a person not having his domicile in British India has died leaving assets in any Presidency and in the country in which he had his domicile at the time of his death, and proceedings for the administration of his estate with respect to assets in any such Presidency have been taken under section 31 or section 32, and there has been a grant of administration in the country of domicile with respect to the assets in that country,

the holder of the certificate granted under section 31 or section 32, or the Administrator General, as the case may be, after having given the prescribed notice to creditors and others to send in to him their claims against the estate of the deceased, and after having discharged, at the expiration of the time therein named, such lawful claims as he has notice of, may, instead of himself distributing any surplus or residue of the deceased's property to persons residing out of British India who are entitled thereto, transfer, with the consent of the executor or administrator, as the case may be, in the country of domicile, the surplus or residue to him for distribution to those persons.

(f) Liability

39. (1) The revenues of the Government of India shall be liable to make good all sums required to discharge any liability which the Administrator General, if he were a private administrator, would be personally liable to discharge, except when the liability is one to which neither the Administrator General nor any of his officers has in any way contributed, or which neither he nor any of his officers could, by the exercise of reasonable diligence have averted, and in either of those cases the Administrator General shall not, nor shall the revenues of the Government of India, be subject to any liability.

(2) Nothing in sub-section (1) shall be deemed to render the Government of India or the Administrator General liable for anything done before the commencement of this Act, by or under the authority of the Administrator General.

40. (1) If any suit be brought by a creditor against any Administrator General, such creditor shall be liable to pay the costs of the suit unless he proves that not less than one month previous to the institution of the suit

he had applied in writing to the Administrator General, stating the amount and other particulars of his claim, and had given such evidence in support thereof as, in the circumstances of the case, the Administrator General was reasonably entitled to require.

(2) If any such suit is decreed in favour of the creditor, he shall, nevertheless, unless he is a secured creditor, be only entitled to payment out of the assets of the deceased equally and rateably with the other creditors.

41. Nothing in section 50 of the Code of Civil Procedure, 1908, shall apply to any suit against the Administrator General in which no relief is claimed against him personally.

PART IV

FEES

42. (1) There shall be charged in respect of the duties of the Administrator General such fees, whether by way of percentage or otherwise, as may be prescribed by the Government.

Provided that, in the case of any estate, the administration of which has been committed to the Administrator General before the commencement of this Act, the fees prescribed under this section shall not exceed the fees leviable in respect of such estate under the Administrator General's Act, 1874, as subsequently amended.

Provided further that, in respect of the duties of the Administrator General under the Regimental Debts Act, 1893, the fees prescribed in this section shall be determined in accordance with the provisions of that Act.

(2) The fees under this section may be at different rates for different estates or classes of estates or for different duties, and shall, so far as may be, be arranged so as to produce an amount sufficient to discharge the salaries and all other expenses incidental to the working of this Act (including such sum as Government may determine to be required to insure the revenues of the Government of India against loss under this Act).

43. (1) Any expenses which might be retained or paid out of any estate in the charge of the Administrator General, if he were a private administrator of such estate, shall be so retained or paid and the fees prescribed under section 42 shall be retained or paid in like manner as and in addition to such expenses.

(2) The Administrator General shall transfer and pay to such authority, in such manner and at such time as the Government may prescribe, all fees received by him under this Act, and the same shall be carried to the account and credit of the Government of India.

PART V

AUDIT OF THE ADMINISTRATOR GENERAL'S ACCOUNTS

44. The accounts of every Administrator General shall be audited at least once annually, and at any other time if the Government so direct, by the prescribed person and in the prescribed manner.

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45. The auditors shall examine the accounts and forward to the Government a statement thereof in the prescribed form, together with a report thereon and a certificate signed by them showing—

- (a) whether they contain a full and true account of everything which ought to be inserted therein,
- (b) whether the books which by any rules made under this Act are directed to be kept by the Administrator General, have been duly and regularly kept, and
- (c) whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or by any rules made thereunder,

or (as the case may be) that such accounts are deficient, or that the Administrator General has failed to comply with this Act or the rules made thereunder, in such respects as may be specified in such certificate

46. (1) Every auditor shall have the powers of a Civil Court under the Code of Civil Procedure, 1908,

of 1908

- (a) to summon any person whose presence he thinks necessary to attend him from time to time, and
- (b) to examine any person on oath to be by him administered, and
- (c) to issue a commission for the examination on interrogatories or otherwise of any person, and
- (d) to summon any person to produce any document or thing the production of which appears to be necessary for the purpose of such audit or examination

(2) Any person who when summoned refuses, or without reasonable cause, neglects to attend or to produce any document or thing or attends and refuses to be sworn, or to be examined, shall be deemed to have committed an offence within the meaning of, and punishable under, section 188 of the Indian Penal Code, and the auditor shall report every case of such refusal or neglect to Government

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47. The costs of and incidental to such audit and examination shall be determined in accordance with rules made by the Government, and shall be defrayed in the prescribed manner

PART VI

MISCELLANEOUS

48. The Administrator General may, in addition to, and not in derogation of, any other powers of expenditure lawfully exercisable by him, incur expenditure—

- (a) on such acts as may be necessary for the proper care and management of any property belonging to any estate in his charge, and

- (b) with the sanction of the High Court at the Presidency-town on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property

49. Any person interested in the administration of any estate, which is in the charge of the Administrator General shall, subject to such conditions and restrictions as may be prescribed, be entitled at all reasonable times to inspect the accounts relating to such estate and the reports and certificates of the auditor, and on payment of the prescribed fee, to copies thereof and extracts therefrom

50. (1) The Government shall make rules for carrying into effect the objects of this Act and for regulating the proceedings of the Administrator General

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the accounts to be kept by the Administrator General and the audit and inspection thereof,
- (b) the safe custody, deposit and investment of assets and securities which come into the hands of the Administrator General,
- (c) the remittance of sums of money in the hands of the Administrator General, in cases in which such remittances are required,
- (d) subject to the provisions of this Act, the fees to be paid under this Act, and the collection and accounting for any such fees,
- (e) the statements, schedules and other documents to be submitted to the Government or to any other authority by the Administrator General, and the publication of such statements, schedules or other documents,
- (f) the realization of the cost of preparing any such statements, schedules or other such documents,
- (g) the manner in which and the person by whom the costs of and incidental to any audit under the provisions of this Act are to be determined and defrayed,
- (h) the manner in which summonses issued under the provisions of section 46 are to be served and the payment of the expenses of any persons summoned or examined under the provisions of this Act and of any expenditure incidental to such examination, and
- (i) any matter in this Act directed to be prescribed

(3) All rules made under this Act shall be published in the official Gazette and, on such publication, shall have effect as if enacted in this Act

51. Whoever, during any examination authorized by this Act, makes upon oath a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding

False evidence

45. The auditors shall examine the accounts and forward to the Government a statement thereof in the prescribed form, together with a report thereon and a certificate signed by them showing—

- (a) whether they contain a full and true account of everything which ought to be inserted therein,
- (b) whether the books which by any rules made under this Act are directed to be kept by the Administrator General, have been duly and regularly kept, and
- (c) whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or by any rules made thereunder,

or (as the case may be) that such accounts are deficient, or that the Administrator General has failed to comply with this Act or the rules made thereunder, in such respects as may be specified in such certificate

46. (1) Every auditor shall have the powers of a Civil Court under the Code of Civil Procedure, 1908,

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- (a) to summon any person whose presence he thinks necessary to attend him from time to time, and
- (b) to examine any person on oath to be by him administered, and
- (c) to issue a commission for the examination on interrogatories or otherwise of any person, and
- (d) to summon any person to produce any document or thing the production of which appears to be necessary for the purpose of such audit or examination

(2) Any person who when summoned refuses, or without reasonable cause, neglects to attend or to produce any document or thing or attends and refuses to be sworn, or to be examined, shall be deemed to have committed an offence within the meaning of, and punishable under, section 188 of the Indian Penal Code, and the auditor shall report every case of such refusal or neglect to Government

47. The costs of and incidental to such audit and examination shall be determined in accordance with rules made by the Government, and shall be defrayed in the prescribed manner

PART VI MISCELLANEOUS

48. The Administrator General may, in addition to, and not in derogation of, any other powers of expenditure lawfully exercisable by him, incur expenditure—

- (a) on such acts as may be necessary for the proper care and management of any property belonging to any estate in his charge, and

- (b) with the sanction of the High Court at the Presidency-town on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property

49 Any person interested in the administration of any estate, which is in the charge of the Administrator General shall, subject to such conditions and restrictions as may be prescribed, be entitled at all reasonable times to inspect the accounts relating to such estate and the reports and certificates of the auditor, and on payment of the prescribed fee, to copies thereof and extracts therefrom

50 (1) The Government shall make rules for carrying into effect the objects of this Act and for regulating the proceedings of the Administrator General

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the accounts to be kept by the Administrator General and the audit and inspection thereof,
- (b) the safe custody, deposit and investment of assets and securities which come into the hands of the Administrator General,
- (c) the remittance of sums of money in the hands of the Administrator General, in cases in which such remittances are required,
- (d) subject to the provisions of this Act, the fees to be paid under this Act, and the collection and accounting for any such fees,
- (e) the statements, schedules and other documents to be submitted to the Government or to any other authority by the Administrator General, and the publication of such statements, schedules or other documents,
- (f) the realization of the cost of preparing any such statements, schedules or other such documents,
- (g) the manner in which and the person by whom the costs of and incidental to any audit under the provisions of this Act are to be determined and defrayed,
- (h) the manner in which summonses issued under the provisions of section 46 are to be served and the payment of the expenses of any persons summoned or examined under the provisions of this Act and of any expenditure incidental to such examination, and
- (i) any matter in this Act directed to be prescribed

(3) All rules made under this Act shall be published in the official Gazette and, on such publication, shall have effect as if enacted in this Act

51. Whoever, during any examination authorized by this Act, makes upon oath a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding

52. All assets in the charge of the Administrator General which have been in his custody for a period of twelve years or upwards whether before or after the commencement of this Act without any application for payment thereof having been made and granted by him shall be transferred, in the prescribed manner, to the account and credit of the Government of India.

Provided that this section shall not authorise the transfer of any such assets as aforesaid, if any suit or proceeding is pending in respect thereof in any Court.

53. (1) If any claim is hereafter made to any

part of the assets transferred to the account and credit of the Government of India under the provisions of this Act, or any Act hereby repealed, and if such claim is established to the satisfaction of the prescribed authority, the Government of India shall pay to the claimant the amount of the principal so transferred to its account and credit or so much thereof as appears to be due to the claimant.

(2) If the claim is not established to the satisfaction of the prescribed authority, the claimant may, without prejudice to his right to take any other proceedings for the recovery of such assets, apply by petition to the High Court at the Presidency-town against the Secretary of State for India in Council, and such Court, after taking such evidence as it thinks fit, shall make such order in regard to the payment of the whole or any part of the said principal sum as it thinks fit, and such order shall be binding on all parties to the proceeding.

(3) The Court may further direct by whom the whole or any part of the cost of each party shall be paid.

54. (1) Whenever any person, other than an exempted person, dies leaving assets within the limits of the jurisdiction of a District Judge, the District Judge shall report the circumstance without delay to the Administrator General of the Presidency, stating the following particulars so far as they may be known to him—

- the amount and nature of the assets,
 - whether or not the deceased left a will and, if so, in whose custody it is,
 - the names and addresses of the surviving next-of-kin of the deceased,
- and, on the lapse of one month from the date of the death,

(d) whether or not any one has applied for probate of the will of the deceased or letters of administration of his estate.

(2) The District Judge shall retain the assets under his charge, or appoint an officer under the provisions of section 239 of the Indian Succession Act, 1885, to take and keep possession of the same until the Administrator General has obtained letters of administration, or until some other person has obtained probate or such letters or a certificate from the Administrator General under the provisions of this Act, when the assets shall be delivered over to the holder of such probate, letters of administration or certificate.

Provided that the District Judge may, if he thinks fit, sell any assets which are subject to speedy and natural decay, or which for any other sufficient cause he thinks should be sold, and he shall thereupon credit the proceeds of such sale to the estate.

(3) The District Judge may cause to be paid out of any assets of which he or such officer has charge, or out of the proceeds of such assets or of any part thereof, such sums as may appear to him to be necessary for all or any of the following purposes, namely—

- the payment of the expenses of the funeral of the deceased and of obtaining probate of his will or letters of administration of his estate or a certificate under this Act,
- the payment of wages due for services rendered to the deceased within three months next preceding his death by any labourer, artisan or domestic servant,
- the relief of the immediate necessities of the family of the deceased, and
- such acts as may be necessary for the proper care and management of the assets left by the deceased,

and nothing in section 279, section 280 or section 281 of the Indian Succession Act, 1885, or in any other law for the time being in force with respect to rights of priority of creditors of deceased persons shall be held to affect the validity of any payment so caused to be made.

55. (1) Nothing contained in the Indian Succession Act, 1885, or the Indian Companies Act, 1882, shall be taken to supersede or affect the rights, duties and privileges of any Administrator General.

(2) Nothing contained in the Indian Succession Act, 1885, or in this Act, shall be deemed to affect, or to have affected, any law for the time being in force relating to the moveable property under two hundred rupees in value of persons dying intestate within any of the Presidency-towns or in the town of Rangoon, which shall be or has been taken charge of by the police for the purpose of safe custody.

56. Any order made under this Act by any Order of Court to be equivalent to decree Court shall have the same effect as a decree.

57. Notwithstanding anything in this Act, or in any other law for the time being in force, the Governor General in Council may, by general or special order, direct that, where a subject of a foreign State dies in British India, and it appears that there is no one in British India, other than the Administrator General, entitled to apply to a Court of competent jurisdiction for letters of administration of the estate of the deceased, letters of administration shall, on the application to such Court of any Consular Officer of such foreign State, be granted to such Consular Officer on such terms and conditions as the Court may, subject to any rules made in this behalf by the Governor General in Council by notification in the Gazette of India, think fit to impose.

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58. (1) Notwithstanding anything in the Division of Provinces-foregoing provisions of this Act, the Governor General in Council may, by notification in the Gazette of India,—

- (a) remove any of the territories included in the presidency of Bengal from such presidency, and constitute the same into provinces for the purposes of this Act,
- (b) direct that for the purposes of this Act any of the territories of any Native State in India shall be included in any province so constituted, and
- (c) appoint any person qualified in accordance with the provisions of sub-section (2) of section 8, or who holds office under Government to be an Administrator General for any such Province to be called the Administrator General of the Province,

and, subject to the provisions of this section, the following consequences shall thereupon ensue, namely —

- (i) the Administrator General of a Province shall by that name have the like rights, powers, privileges and habilities, and perform the like duties, in the Province as the Administrator General of the Presidency within which such territories were included had and performed as Administrator General therein and shall be deemed to be his successor in office
- (ii) the powers and duties of the Government under this Act shall, as regards the Province, be exercised and discharged by the Governor General in Council or by such Local Government as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf, and the Gazette of the Government exercising and discharging such powers and duties shall be the official Gazette of the Province for the purposes of this Act
- (iii) the powers and duties assigned by the foregoing provisions of this Act to the High Court shall be exercised and discharged in respect of such Province by such Court as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf, and probate or letters of administration granted to the Administrator General of the Province by the Court so appointed shall have the same effect throughout the Province, or, if the Court so directs, throughout the Presidencies of Bengal, Bombay and Madras, or any part thereof, as probate or letters of administration granted to the Administrator General by the High Court at a Presidency-town would or might have had
- (iv) in the foregoing provisions of this Act the word "Presidency" shall be deemed to include a Province, and the expression "Presidency-town" the

place of sitting of the Court appointed by the Governor General in Council under clause (iii) of this sub-section :

- (v) generally, the provisions of the foregoing sections of this Act with respect to the High Court at a Presidency-town and the provisions of those sections, or of any other enactment with respect to the Administrator General of a Presidency shall, in relation to a Province, be construed, so far as may be, to apply to the Court and Administrator General, respectively, appointed for the Province under this section

(2) Any proceeding which was commenced before the publication of the notification constituting the Province and, to or in which the Administrator General of any Presidency within which any of the territories constituted into a Province were situate was a party or was otherwise concerned, shall be continued as if the notification had not been published

(3) If, by reason of the constitution of Provinces for the purposes of this Act, it appears to the Governor General in Council that any property vested in the Administrator General of any Presidency should be vested in the Administrator General of a Province, he may direct that the property shall be so vested, and thereupon it shall vest in the Administrator General of the Province as fully and effectually for the purposes of this Act as if probate or letters of administration had been granted to him originally

(4) If in accordance with the provisions of this section territories have been removed from the Presidency of Bengal and constituted a Province for the purposes of this Act, the Governor General in Council may, by notification in the Gazette of India, direct that as regards the Presidency of Bengal excluding the territories so removed, the powers and duties of the Government under this Act shall be exercised and discharged by the Local Government of Bengal, and that the official Gazette shall be the Calcutta Gazette.

(5) Upon the rescission of a notification constituting a Province under sub-section (1), the territories comprised therein shall again form part of the Presidency within which they were originally included, the office of Administrator General of the Province shall determine and all properties vested in and all proceedings by or against such Administrator General pending at the date of the rescission shall vest in and be carried on by or against such Administrator General or Administrators General as the Governor General in Council may direct

59. Nothing in this Act shall be deemed to affect the provisions of the

Saving of provisions of Indian Registration Act, 1908

Indian Registration Act, 1908

XVI of 1908.

60. The enactments specified in the Schedule are hereby repealed to the extent specified in the third column thereof

Repeals

Provided that any administration, by or in pursuance of any Act hereby repealed, committed to any Administrator General at the commencement of this Act shall be deemed to be committed to the Administrator General under this Act.

THE SCHEDULE

ENACTMENTS REPEALED

(See section 60)

| Number and year | Short title | Extent of repeal |
|-----------------|--|--|
| II of 1874 | The Administrator General's Act, 1874 | So much as has not been repealed |
| IX of 1881 | The Administrator General's Act, 1881. | Ditto |
| II of 1890 | The Probate and Administration Act, 1890 | So much of the Title and Preamble as relates to the Administrator General's Act, 1874, and sections 10 to 15 |
| XII of 1891 | The Amending Act, 1891 | So much as relates to Act II of 1874 |
| VII of 1901 | The Native Christian Administration of Estates Act, 1901 | In the Preamble the words "to exempt them from are exempted" and section 4 |
| V of 1902 | The Administrators General and Official Trustees Act, 1902 | So far as it relates to Administrators General and Deputy Administrators General |

W H VINCENT,

Secretary to the Government of India



Government Gazette.

THE UNITED PROVINCES OF AGRA AND OUDH.

Published by Authority.

Separate paging is given to this part, in order that it may be filed as a separate compilation.

ALLAHABAD, SATURDAY, MARCH 15, 1913.

PART VI.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 7th March, 1913, and is hereby promulgated for general information —

ACT No. V OF 1913

An Act to prohibit the importation, manufacture and sale of matches made with white phosphorus

WHEREAS it is expedient to prohibit the importation, manufacture and sale of matches made with white phosphorus, It is hereby enacted as follows —

1 (1) This Act may be called the White Short title, extent and commencement Phosphorus Matches Prohibition Act, 1913

(2) It extends to the whole of British India, and

(3) It shall come into force on the first day of July, 1913, with the exception of section 6, which shall come into force on the first day of July, 1914.

2 In this Act, "white phosphorus" means Definition. the substance commonly known as white or yellow phosphorus

878 3 To section 18 of the Sea Customs Act, 1878, the following clause shall be added, namely —
Prohibition of importation by addition to section 18, Act VIII of 1878

"(g) matches made with white phosphorus"

4 (1) No person shall use white phosphorus in the manufacture of matches.
Prohibition of use of white phosphorus in manufacture of matches

(2) Any person who uses, or permits the use by any person under his control of, white phosphorus in the manufacture of matches, shall be punishable with fine which may extend to two hundred rupees

5 (1) Every person who manufactures matches shall allow an Inspector of Factories to take samples of material used in manufacture under the Indian Factories Act, 1911, at any time to take for analysis sufficient samples of any material in use, or mixed for use, in such manufacture

XII of 1913

Provided that any such person may, at the time the sample is taken, and on providing the necessary appliances, require the Inspector to divide the sample so taken into two parts, and to mark, seal and deliver to him one part

(2) Any person who refuses to permit any such Inspector of Factories as aforesaid to take a sample, in accordance with the provisions of sub-section (1), shall be punishable with fine which may extend to two hundred rupees

6 (1) No person shall sell, or offer or expose for sale, or have in his possession for the purposes of sale, any matches made with white phosphorus

(2) Any person who contravenes the provisions of sub-section (1) may, on complaint to a Presidency Magistrate, Subdivisional Magistrate or Magistrate of the first class, be ordered to forfeit any such matches in his possession, and any matches so forfeited shall be destroyed or otherwise dealt with as the Magistrate may direct.

W H. VINCENT,
Secretary to the Government of India.
VI A

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 7th March, 1913, and is hereby promulgated for general information —

ACT No VI OF 1913

An Act to declare the rights of Mussalmans to make settlements of property by way of "wakf" in favour of their families, children and descendants

WHEREAS doubts have arisen regarding the validity of wakfs created by persons professing the Mussalman faith in favour of themselves, their families, children and descendants and ultimately for the benefit of the poor or for other religious, pious or charitable purposes, and whereas it is expedient to remove such doubts, It is hereby enacted as follows —

1. (1) This Act may be called the Mussalman Short title and extent Wakf Validating Act, 1913

(2) It extends to the whole of British India

2. In this Act unless there is anything repugnant in the subject or Definitions context,—

(1) "Wakf" means the permanent dedication by a person professing the Mussalman faith of any property for any purpose recognized by the Mussalman law as religious, pious or charitable

(2) "Hanafi Mussalman" means a follower of the Mussalman faith who

conforms to the tenets and doctrines of the Hanafi school of Mussalman law

3. It shall be lawful for any person professing the Mussalman faith to create a wakf which in all other respects is in accordance with the provisions of Mussalman law, for the following among other purposes —

(a) for the maintenance and support wholly or partially of his family, children or descendants, and

(b) where the person creating a wakf is a Hanafi Mussalman, also for his own maintenance and support during his lifetime or for the payment of his debts out of the rents and profits of the property dedicated

Provided that the ultimate benefit is in such cases expressly or impliedly reserved for the poor or for any other purpose recognised by the Mussalman law as a religious, pious or charitable purpose of a permanent character

4 No such wakf shall be deemed to be invalid merely because the benefit reserved therein for the poor or other religious, pious or charitable purpose of a permanent nature is postponed until after the extinction of the family, children or descendants of the person creating the wakf

5 Nothing in this Act shall affect any custom or usage whether local or sectarian custom prevalent among Mussalmans of any particular class or sect.

W H VINCENT,

Secretary to the Government of India.



Government Gazette.

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to this part, in order that it may be filed as a separate compilation.

Published by Authority.

ALLAHABAD, SATURDAY, APRIL 12, 1913.

PART VI.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor-General on the 27th March, 1913, and is hereby promulgated for general information —

Act No VII of 1913 THE INDIAN COMPANIES ACT, 1913.

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*The Indian Companies Act, 1913.**(Part I—Preliminary—Sections 1-3 Part II—Constitution and Incorporation—Section 4)*

An Act to consolidate and amend the law relating to Trading Companies and other Associations

WHEREAS it is expedient to consolidate and amend the law relating to Trading Companies and other associations, It is hereby enacted as follows:—

PART I

PRELIMINARY.

1 (1) This Act may be called the Indian Companies Act, 1913
Short title, commence- ment and extent

(2) It shall come into force on the first day of April 1914; and

(3) It extends to the whole of British India including British Baluchistan and the Santhal Parganas

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "articles" means the articles of association of a company as originally framed or as altered by special resolution, including, so far as they apply to the company, the regulations contained (as the case may be) in Table B in the Schedule annexed to Act No XIX of 1857 or in Table A in the First Schedule annexed to the Indian Companies Act, 1882, or in Table A in the First Schedule annexed to this Act.

(2) "company" means a company formed and registered under this Act or an existing company

(3) "the Court" means the Court having jurisdiction under this Act:

(4) "debenture" includes debenture stock.

(5) "director" includes any person occupying the position of a director by whatever name called

(6) "District Court" means the principal Civil Court of original jurisdiction in a district, but does not include a High Court in the exercise of its ordinary original civil jurisdiction

(7) "existing company" means a company formed and registered under the Indian Companies Act, 1866, or under any Act or Acts repealed thereby, or under the Indian Companies Act, 1882:

(8) "Insurance company" means a company that carries on the business of insurance either solely or in common with any other business or businesses

(9) "manager" includes any person occupying the position of a manager by whatever name called and whether under a contract of service or not

(10) "memorandum" means the memorandum of association of a company as originally framed or as altered in pursuance of the provisions of this Act.

(11) "officer" includes any director, manager or secretary but, save in sections 235, 236, and 237, does not include an auditor

(12) "prescribed" means, as respects the provisions of this Act relating to the winding up of companies, prescribed by

rules made by the High Court, and as respects the other provisions of this Act, prescribed by the Governor General in Council

(13) "private company" means a company which

(i) by its articles—

(a) restricts the right to transfer its shares; and

(b) limits the number of its members (exclusive of persons who are in the employ of the company) to fifty; and

(c) prohibits any invitation to the public to subscribe for any shares or debentures of the company and

(ii) continues to observe such restrictions, limitations and prohibitions

Provided that where two or more persons hold one or more shares in a company jointly they shall, for the purposes of this definition, be considered as a single member.

(14) "prospectus" means any prospectus, notice, circular, advertisement or other invitation, offering to the public for subscription or purchase any shares or debentures of a company

(15) "the registrar" means a registrar or assistant registrar performing under this Act the duty of registration of companies and

(16) "share" means share in the share capital of the company, and includes stock except when a distinction between stock and shares is expressed or implied

3 (1) The Court having jurisdiction under this Act shall be the High Courts the Court having jurisdiction in the place at which the registered office of the company is situate

Provided that the Local Government may, by notification in the local official Gazette and subject to such restrictions and conditions as it thinks fit, empower any District Court to exercise all or any of the jurisdiction by this Act conferred upon the Court, and in that case such District Court shall, as regards the jurisdiction so conferred, be the Court in respect of all companies having their registered offices in the district

(2) For the purposes of jurisdiction to wind up companies, the expression "registered office" means the place which has longest been the registered office of the company during the six months immediately preceding the presentation of the petition for winding up

(3) Nothing in this section shall invalidate a proceeding by reason of its being taken in a wrong Court

PART II

CONSTITUTION AND INCORPORATION

4. (1) No company, association or partnership consisting of more than ten persons shall be formed for the purpose of carrying on the business of banking unless it is registered as a

The Indian Companies Act, 1913.

(Part II—Constitution and Incorporation.—Sections 5-11.)

company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor General in Council, or of Royal Charter or Letters Patent

(2) No company, association or partnership consisting of more than twenty persons shall be formed for the purpose of carrying on any other business that has for its object the acquisition of gain by the company, association or partnership, or by the individual members thereof, unless it is registered as a company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor General in Council or of Royal Charter or Letters Patent.

Memorandum of Association

5 Any seven or more persons (or, where the Mode of forming incorporated company be a private company, any two or more persons) associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Act in respect of registration, form an incorporated company, with or without limited liability (that is to say), either—

- (i) a company having the liability of its members limited by the memorandum to the amount, if any, unpaid on the shares respectively held by them (in this Act termed a company limited by shares), or
- (ii) a company having the liability of its members limited by the memorandum to such amount as the members may respectively thereby undertake to contribute to the assets of the company in the event of its being wound up (in this Act termed a company limited by guarantee), or
- (iii) a company not having any limit on the liability of its members (in this Act termed an unlimited company)

Memorandum of company limited by shares 6. In the case of a company limited by shares—

- (1) the memorandum shall state—
 - (a) the name of the company, with "Limited" as the last word in its name;
 - (ii) the province in which the registered office of the company is to be situate,
 - (iii) the objects of the company,
 - (iv) that the liability of the members is limited,
 - (v) the amount of share capital with which the company proposes to be registered, and the division thereof into shares of a fixed amount.
- (2) no subscriber of the memorandum shall take less than one share.
- (3) each subscriber shall write opposite to his name the number of shares he takes.

Memorandum of company limited by guarantee 7 In the case of a company limited by guarantee—

- (1) the memorandum shall state—
 - (a) the name of the company, with "Limited" as the last word in its name,

(ii) the province in which the registered office of the company is to be situate,

(iii) the objects of the company,

(iv) that the liability of the members is limited,

(v) that each member undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and of the costs, charges and expenses of winding up, and for adjustment of the rights of the contributories among themselves, such amount as may be required, not exceeding a specified amount:

(2) if the company has a share capital—

(i) the memorandum shall also state the amount of share capital with which the company proposes to be registered and the division thereof into shares of a fixed amount,

(ii) no subscriber of the memorandum shall take less than one share,

(iii) each subscriber shall write opposite to his name the number of shares he takes

Memorandum of unlimited company. 8 In the case of an unlimited company—

(1) the memorandum shall state—

(i) the name of the company,

(ii) the province in which the registered office of the company is to be situate,

(iii) the objects of the company,

(2) if the company has a share capital—

(i) no subscriber of the memorandum shall take less than one share,

(ii) each subscriber shall write opposite to his name the number of shares he takes

9 The memorandum shall be signed by each Signature of memo-subscriber in the presence of at least one witness who shall attest the signature

10 A company shall not alter the conditions Restriction on alterations contained in its memorandum except in the cases and in the mode and to the extent for which express provision is made in this Act.

11 (1) A company shall not be registered by Name of company and a name identical with that change of name by which a company in existence is already registered, or so nearly resembling that name as to be calculated to deceive, except where the company in existence is in the course of being dissolved and signifies its consent in such manner as the registrar requires

(2) If a company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a company in existence is previously registered, or so nearly resembling it as to be calculated to deceive, the first-mentioned company may, with the sanction of the registrar, change its name.

*The Indian Companies Act, 1913**(Part II—Constitution and Incorporation—Sections 12-16)*

(3) A company shall not be registered by a name which contains any of the following words, namely—"Crown", "Imperial", "Empire", "Empress", "Imperial", "King", "Queen", "Royal", or words expressing or implying the sanction, approval or patronage of the Crown or the Government of India or a Local Government, except where the Governor General in Council signifies his consent to the use of such words as part of the name of the company by order in writing under the hand of one of the Secretaries to the Government of India.

Provided that nothing in this sub-section shall apply to companies registered before the commencement of this Act.

(4) Any company may, by special resolution and subject to the approval of the Local Government signified in writing, under the hand of one of the Secretaries to such Government, change its name.

(5) Where a company changes its name, the registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case. On the issue of such a certificate, the change of name shall be complete.

(6) The change of name shall not affect any rights or obligations of the company, or render defective any legal proceedings by or against the company, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

12. (1) Subject to the provisions of this Act, a company may, by special resolution, alter the provisions of its memorandum so as to change the place of the registered office from one province to another, or with respect to the objects of the company, so far as may be required to enable it—

- (a) to carry on its business more economically or more efficiently, or
- (b) to attain its main purpose by new or improved means, or
- (c) to enlarge or change the local area of its operations, or
- (d) to carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the company, or
- (e) to restrict or abandon any of the objects specified in the memorandum.

(2) The alteration shall not take effect until and except in so far as it is confirmed by the Court on petition.

(3) Before confirming the alteration, the Court must be satisfied—

- (a) that sufficient notice has been given to every holder of debentures of the company, and to any persons or class of persons whose interests will, in the opinion of the Court, be affected by the alteration, and
- (b) that, with respect to every creditor who in the opinion of the Court is entitled to object, and who signifies his objection

in manner directed by the Court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has been determined, or has been secured to the satisfaction of the Court.

Provided that the Court may, in the case of any person or class, for special reasons, dispense with the notice required by this section.

13. The Court may make an order confirming the alteration either wholly or in part, and on such terms and conditions as it thinks fit, and may make such order as to costs as it thinks proper.

14. The Court shall, in exercising its discretion under sections 12 and 13, have regard to the rights and interests of the members of the company or of any class of them, as well as to the rights and interest of the creditors, and may, if it thinks fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the Court for the purchase of the interests of dissentient members, and may give such directions and make such orders as it may think expedient for facilitating or carrying into effect any such arrangement.

Provided that no part of the capital of the company may be expended in any such purchase.

15. (1) A certified copy of the order confirming the alteration, together with a printed copy of the memorandum as altered, shall, within three months from the date of the order, be filed by the company with the registrar, and he shall register the same, and shall certify the registration under his hand, and the certificate shall be conclusive evidence that all the requirements of this Act with respect to the alteration and the confirmation thereof have been complied with, and thenceforth the memorandum so altered shall be the memorandum of the company.

(2) Where the alteration involves a transfer of the registered office from one province to another, a certified copy of the order confirming such change shall be filed by the company with the registrar in each of such provinces, and each of such registrars shall register the same, and shall certify under his hand the registration thereof, and the registrar for the province from which such office is transferred shall send to the registrar for the other province all documents relating to the company registered or filed in his office.

(3) The Court may by order at any time extend the time for the filing of documents with the registrar under this section for such period as the Court thinks proper.

16. No such alteration shall have any operation until registration thereof has been duly effected in accordance with the provisions of section 15, and if such registration is not effected within three months next after the date of the order of the Court confirming the alteration, or within such further time as may be allowed by the Court in accordance with the provisions of section 15, such alteration and order and all

*The Indian Companies Act, 1913.**(Part II—Constitution and Incorporation—Sections 17-25)*

proceedings connected therewith shall, at the expiration of such period of three months or such further time, as the case may be, become absolutely null and void

Provided that the Court may, on sufficient cause shown revive the order on application made within a further period of one month

Articles of Association

17. (1) There may, in the case of a company limited by shares, and there shall, in the case of a company limited by guarantee or unlimited, be registered with the memorandum, articles of association signed by the subscribers to the memorandum and prescribing regulations for the company

(2) Articles of association may adopt all or any of the regulations contained in Table A in the First Schedule

(3) In the case of an unlimited company or a company limited by guarantee, the articles, if the company has a share capital, shall state the amount of share capital with which the company proposes to be registered

(4) In the case of an unlimited company or a company limited by guarantee, if the company has not a share capital, the articles shall state the number of members with which the company proposes to be registered, for the purpose of enabling the registrar to determine the fees payable on registration

18. In the case of a company limited by shares and registered after the commencement of this Act, if articles are not registered, or, if articles are registered, in so far as the articles do not exclude or modify the regulations in Table A in the First Schedule, those regulations shall, so far as applicable, be the regulations of the company in the same manner and to the same extent as if they were contained in duly registered articles

Form and signature of articles

19. Articles shall—

(a) be printed,

(b) be divided into paragraphs numbered consecutively, and

(c) be signed by each subscriber of the memorandum of association in the presence of at least one witness who must attest the signature.

20. (1) Subject to the provisions of this Act, Alteration of articles and to the conditions contained in its memorandum, a company may by special resolution alter or add to its articles, and any alteration or addition so made shall be as valid as if originally contained in the articles, and be subject in like manner to alteration by special resolution

(2) The power of altering articles under this section shall, in the case of any company formed and registered under Act No XIX of 1857 and Act No VII of 1860 or either of them, extend to altering any provisions in Table B annexed to Act XIX of 1857, and shall also, in the case of an unlimited company formed and registered under the said Acts or either of them, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwith-

standing that those regulations are contained in the memorandum

General Provisions

21. (1) The memorandum and articles shall, Effect of memorandum when registered, bind the company and the members thereof to the same extent as if they respectively had been signed by each member and contained a covenant on the part of each member, his heirs, and legal representatives, to observe all the provisions of the memorandum and of the articles, subject to the provisions of this Act

(2) All money payable by any member to the company under the memorandum or articles shall be a debt due from him to the company

22. The memorandum and the articles (if any) shall be filed with the registrar for the province in which the registered office of the company is stated by the memorandum to be situate, and he shall retain and register them

23. (1) On the registration of the memorandum of a company, the registrar shall certify under his hand that the company is incorporated, and in the case of a limited company that the company is limited

(2) From the date of incorporation mentioned in the certificate of incorporation, the subscribers of the memorandum, together with such other persons as may from time to time become members of the company, shall be a body corporate by the name contained in the memorandum, capable forthwith of exercising all the functions of an incorporated company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the company in the event of its being wound up as is mentioned in this Act

24. (1) A certificate of incorporation given by the registrar in respect of any association shall be conclusive evidence that all the requirements of this Act in respect of registration and of matters precedent and incidental thereto have been complied with, and that the association is a company authorised to be registered and duly registered under this Act

(2) A declaration by an advocate, attorney or pleader entitled to appear before a High Court who is engaged in the formation of a company, or by a person named in the articles as a director, manager or secretary of the company, of compliance with all or any of the said requirements shall be filed with the registrar, and the registrar may accept such a declaration as sufficient evidence of compliance

25. (1) Every company shall send to every member, at his request, and on payment of one rupee or such less sum as the company may prescribe, a copy of the memorandum and of the articles (if any)

(2) If a company makes default in complying with the requirements of this section, it shall be liable for each offence to a fine not exceeding ten rupees.

*The Indian Companies Act, 1913**(Part II—Constitution and Incorporation—Sections 26-32.)**Associations not for Profit*

26. (1) Where it is proved to the satisfaction of the Local Government that an association capable of being formed as a limited company has been or is about to be formed for promoting commerce, art, science, charity, or any other useful object, and applies or intends to apply its profits (if any) or other income in promoting its objects, and to prohibit the payment of any dividend to its members, the Local Government may, by license under the hand of one of its Secretaries, direct that the association be registered as a company with limited liability, without the addition of the word "Limited," to its name, and the association may be registered accordingly.

(2) A license by the Local Government under this section may be granted on such conditions and subject to such regulations as the Local Government thinks fit, and those conditions and regulations shall be binding on the association, and shall, if the Local Government so directs, be inserted in the memorandum and articles, or in one of those documents.

(3) The association shall on registration enjoy all the privileges of limited companies, and be subject to all their obligations, except those of using the word "Limited" as any part of its name, and of publishing its name, and of filing lists of members and directors and managers with the registrar.

(4) A license under this section may at any time be revoked by the Local Government, and upon revocation the registrar shall enter the word "Limited" at the end of the name of the association upon the register, and the association shall cease to enjoy the exemptions and privileges granted by this section.

Provided that, before a license is so revoked, the Local Government shall give to the association notice in writing of its intention, and shall afford the association an opportunity of submitting a representation in opposition to the revocation.

Companies limited by Guarantee

27. (1) In the case of a company limited by provision as to guarantee and not having shares limited by guarantee, and registered after the commencement of this Act, every provision in the memorandum or articles or in any resolution of the company purporting to give any person a right to participate in the divisible profits of the company otherwise than as a member shall be void.

(2) For the purpose of the provisions of this Act relating to the memorandum of a company limited by guarantee and of this section, every provision in the memorandum or articles, or in any resolution, of any company limited by guarantee and registered after the commencement of this Act, purporting to divide the undertaking of the company into shares or interests, shall be treated as a provision for a share capital, notwithstanding that the nominal amount or number of the shares or interests is not specified thereby.

PART III

SHARE CAPITAL, REGISTRATION OF UNLIMITED COMPANY AS LIMITED AND UNLIMITED LIABILITY OF DIRECTORS

Distribution of Share Capital

28. (1) The shares or other interest of any member in a company shall be moveable property, transferable in manner provided by the articles of the company.

(2) Each share in a company having a share capital shall be distinguished by its appropriate number.

29. A certificate, under the common seal of the company, specifying any shares or stock held by any member, shall be *prima facie* evidence of the title of the member to the shares or stock therein specified.

30. (1) The subscribers of the memorandum of a company shall be deemed to have agreed to become members of the company, and on its registration shall be entered as members in its register of members.

(2) Every other person who agrees to become a member of a company, and whose name is entered in its register of members, shall be a member of the company.

31. (1) Every company shall keep in one or more books a register of its members, and enter therein the following particulars—

(a) the names and addresses, and the occupations, if any, of the members, and, in the case of a company having a share capital, a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each member;

(aa) the date at which each person was entered in the register as a member;

(ab) the date at which any person ceased to be a member.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

32. (1) Every company having a share capital shall once at least in every year make a list of all persons who on the day of the first or only ordinary general meeting in the year, are members of the company, and of all persons who have ceased to be members since the date of the last return or (in the case of the first return) of the incorporation of the company.

*The Indian Companies Act, 1913**(Part III—Share Capital, Registration of Unlimited Company as Limited and Unlimited Liability of Directors—Sections 32-38)*

(2) The list shall state the names, addresses, and occupations of all the past and present members therein mentioned, and the number of shares held by each of the existing members at the date of the return, specifying shares transferred since the date of the last return or (in the case of the first return) of the incorporation of the company by persons who are still members and persons who have ceased to be members respectively and the dates of registration of the transfers, and shall contain a summary distinguishing between shares issued for cash and shares issued as fully or partly paid up otherwise than in cash, and specifying the following particulars—

- (a) the amount of the share capital of the company, and the number of the shares into which it is divided,
- (b) the number of shares taken from the commencement of the company up to the date of the return,
- (c) the amount called up on each share,
- (d) the total amount of calls received,
- (e) the total amount of calls unpaid,
- (f) the total amount of the sums (if any) paid by way of commission in respect of any shares or debentures, or allowed by way of discount in respect of any debentures, since the date of the last return,
- (g) the total number of shares forfeited,
- (h) the total amount of shares or stock for which share-warrants are outstanding at the date of the return,
- (i) the total amount of share-warrants issued and surrendered respectively since the date of the last return,
- (j) the number of shares or amount of stock comprised in each share-warrant,
- (k) the names and addresses of the persons who at the date of the return are the directors of the company and of the persons (if any) who at the said date are the managers of the company, and
- (m) the total amount of debt due from the company in respect of all mortgages and charges which are required to be registered with the registrar under this Act.

(3) The above list and summary shall be contained in a separate part of the register of members, and shall be completed within seven days after the day of the first or only ordinary general meeting in the year, and the company shall forthwith file with the registrar a copy signed by a director or by the manager or the secretary of the company, together with a certificate from such director, manager or secretary that the list and summary state the facts as they stood on the day aforesaid.

(4) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

33 No notice of any trust, expressed, implied or constructive, shall be entered on the register, or be receivable by the registrar.

Trusts not to be entered on register

34 On the application of the transferee of any share or interest in a company, the company shall enter in its register of members the name of the transferee in the same manner and subject to the same conditions as if the application for the entry were made by the transferee.

35 A transfer of the share or other interest of a deceased member of a company made by his legal representative shall, although the legal representative is not himself a member, be as valid as if he had been a member at the time of the execution of the instrument of transfer.

36 (1) The register of members, commencing from the date of the registration of the company, shall be kept at the registered office of the company, and, except when closed under the provisions of this Act, shall during business hours (subject to such reasonable restrictions, as the company in general meeting may impose, so that not less than two hours in each day be allowed for inspection) be open to the inspection of any member gratis, and to the inspection of any other person on payment of one rupee, or such less sum as the company may prescribe, for each inspection.

(2) Any member or other person may require a copy of the register, or of any part thereof, or of the list and summary required by this Act, or any part thereof, on payment of six annas for every hundred words or fractional part thereof required to be copied.

(3) If any inspection or copy required under this section is refused, the company shall be liable for each refusal to a fine not exceeding twenty rupees and to a further fine not exceeding twenty rupees for every day during which the refusal continues, and every officer of the company who knowingly authorises or permits the refusal shall be liable to the like penalty, and the Court may by order compel an immediate inspection of the register.

37 A company may, on giving notice by advertisement to close registration in some newspaper circulating in the district in which the registered office of the company is situate, close the register of members for any time or times not exceeding in the whole thirty days in each year.

Power of Court to rectify register

38. (1) If—

- (a) the name of any person is fraudulently or without sufficient cause entered in or omitted from the register of members of a company, or
- (b) default is made or unnecessary delay takes place in entering on the register the fact of any person having ceased to be a member,

the person aggrieved, or any member of the company, or the company, may apply to the Court for rectification of the register.

(2) The Court may either refuse the application, or may order rectification of the register and payment by the company of any damages sustained.

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(Part III—Share Capital, Registration of Unlimited Company as Limited and Unlimited Liability of Directors—Sections 39-47)

by any party aggrieved, and may make such order as to costs as it in its discretion thinks fit

(3) On any application under this section the Court may decide any question relating to the title of any person who is a party to the application to have his name entered in or omitted from the register, whether the question arises between members or alleged members, or between members or alleged members on the one hand and the company on the other hand, and generally may decide any question necessary or expedient to be decided for rectification of the register.

Provided that the Court may direct an issue to be tried in which any question of law may be raised, and an appeal from the decision on such an issue shall lie in the manner directed by the Court of Civil Procedure, 1908, on the grounds mentioned in section 100 of that Code.

39. In the case of a company required by this Act to register, the Act to file a list of its members with the registrar, when making an order for rectification of the register, shall, by its order, direct notice of the rectification to be filed with the registrar.

40. The register of members shall be *prima facie* evidence of any matters by this Act directed or authorised to be inserted therein.

41. (1) A company having a share capital may, if so authorised by its articles, cause to be kept in the United Kingdom a branch register of members (in this Act called a British register).

(2) The company shall, within one month from the date of the opening of any British register, file with the registrar notice of the situation of the office where such register is kept and, in the event of any change in the situation of such office or of its discontinuance, shall within one month from the date of such change or discontinuance, as the case may be, file notice of such change or discontinuance.

(3) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

42. (1) A British register shall be deemed to be part of the company's register of members (in this section called the principal register).

(2) It shall be kept in the same manner in which the principal register is by this Act required to be kept, except that the advertisement before closing the register shall be inserted in some newspaper circulating in the locality wherein the British register is kept.

(3) The company shall transmit to its registered office in India a copy of every entry in its British register as soon as may be after the entry is made, and shall cause to be kept at such office, duly entered up from time to time, a duplicate of its British register, and the duplicate shall, for all the purposes of this Act, be deemed to be part of the principal register.

(4) Subject to the provisions of this section with respect to the duplicate register, the shares registered in a British register shall be distinguished from the shares registered in the principal register,

and no transaction with respect to any shares registered in a British register shall, during the continuance of that registration, be registered in any other register.

(5) The company may discontinue to keep any British register, and thereupon all entries in that register shall be transferred to the principal register.

(6) Subject to the provisions of this Act, any company may, by its articles, make such regulations as it may think fit respecting the keeping of a British register.

43. A company limited by shares, if so authorised by its articles, may, with respect to any fully paid-up shares, or to stock, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the shares or stock therein specified, and may provide by coupons or otherwise, for the payment of the future dividends on the shares or stock included in the warrant, in this Act termed a share-warrant.

44. A share-warrant shall entitle the bearer thereof to the shares or stock therein specified, and the shares or stock may be transferred by delivery of the warrant.

45. The bearer of a share-warrant shall, subject to the articles of the company, be entitled, on surrendering it for cancellation to have his name entered as a member in the register of members, and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register the name of a bearer of a share-warrant in respect of the shares or stock therein specified without the warrant being surrendered and cancelled.

46. The bearer of a share-warrant may, if the articles of the company so provide, be deemed to be a member of the company with in the meaning of this Act, either to the full extent or for any purposes defined in the articles, except that he shall not be qualified in respect of the shares or stock specified in the warrant for being a director or manager of the company, in cases where such a qualification is required by the articles.

47. (1) On the issue of a share-warrant, the company shall strike out of its register of members the name of the member then entered therein as holding the shares or stock specified in the warrant as if he had ceased to be a member, and shall enter in the register the following particulars, namely—

- (i) the fact of the issue of the warrant;
- (ii) a statement of the shares or stock included in the warrant, distinguishing each share by its number, and
- (iii) the date of the issue of the warrant.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every

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day during which the default continues, and every officer of the company who knowingly and wilfully continues or permits the default shall be liable to the like penalty

48 Until the warrant is surrendered, the above particulars shall be deemed to be the particulars required by this Act to be entered in the register of members, and, on the surrender, the date of the surrender shall be entered as if it were the date at which a person ceased to be a member

49 A company, if so authorised by its articles, may do any one or more of the following things, namely:—
Power of company to arrange for different amounts being paid on shares

- (1) make arrangements on the issue of shares for a difference between the shareholders in the amounts and times of payment of calls on their shares,
- (2) accept from any member who assents thereto the whole or a part of the amount remaining unpaid on any shares held by him although no part of that amount has been called up;
- (3) pay dividend in proportion to the amount paid up on each share where a larger amount is paid up on some shares than on others

50 (1) A company limited by shares, if so authorised by its articles, may alter the conditions of its memorandum as follows, (that is to say), it may—
Power of company limited by shares to alter its share capital

- (a) increase its share capital by the issue of new shares of such amount as it thinks expedient,
- (b) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares,
- (c) convert all or any of its paid-up shares into stock and re-convert that stock into paid-up shares of any denomination,
- (d) sub-divide its shares, or any of them, into shares of smaller amount than is fixed by the memorandum, so however, that in the sub-division the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived,
- (e) cancel shares which, at the date of the passing of the resolution in that behalf, have not been taken or agreed to be taken by any person, and diminish the amount of its share capital by the amount of the shares so cancelled

(2) The powers conferred by this section with respect to sub-division of shares must be exercised by special resolution.

(3) Where any alteration has been made under this section in the memorandum of a company every copy of the memorandum issued after the date of the alteration shall be in accordance with the alteration.

If a company makes default in complying with the requirements of sub-section (3), it shall

be liable to a fine not exceeding ten rupees for each copy in respect of which default is made; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty

(4) A cancellation of shares in pursuance of this section shall not be deemed to be a reduction of share capital within the meaning of this Act

51 (1) Where a company having a share capital has consolidated and divided its share capital into shares of larger amount than its existing shares or converted any of its shares into stock, or re-converted stock into shares, it shall within fifteen days of the consolidation and division, conversion or re-conversion, file notice with the registrar of the same, specifying the share consolidated and divided; or converted, or the stock re-converted

Notice to registrar of consolidation of share capital, conversion of shares into stock, etc

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty

52. Where a company having a share capital has converted any of its shares into stock, and filed notice of the conversion with the registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the share capital as is converted into stock, and the register of members of the company, and the list of members to be filed with the registrar, shall show the amount of stock held by each member instead of the amount of shares and the particulars relating to shares herebefore required by this Act

53. (1) Where a company having a share capital, whether its share capital or of members have or have not been converted into stock, has increased its share capital beyond the registered capital, and where a company not having a share capital has increased the number of its members beyond the registered number, it shall file with the registrar, in the case of an increase of share capital, within fifteen days after the passing, or in the case of a special resolution the confirmation, of the resolution authorising the increase, and in the case of an increase of members within fifteen days after the increase was resolved on or took place, notice of the increase of capital or members, and the registrar shall record the increase

(2) If a company makes a default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

54. (1) A company limited by shares may, by special resolution confirmed by an order of the Court, modify the conditions contained in its memorandum so as to reorganize its share capital, whether by the consolidation of shares of

Reorganization of share capital

*The Indian Companies Act, 1913**(Part III—Share Capital, Registration of Unlimited Company as Limited and Unlimited Liability of Directors—Sections 55-61)*

different classes or by the division of its shares into shares of different classes

Provided that no preference or special privilege attached to or belonging to any class of shares shall be interfered with except by resolution passed by a majority in number of shareholders of that class holding three-fourths of the share capital of that class and confirmed at a meeting of shareholders of that class in the same manner as a special resolution of the company is required to be confirmed, and every resolution so passed shall bind all shareholders of the class.

(2) Where an order is made under this section, a certified copy thereof shall be filed with the registrar within twenty-one days after the making of the order, or within such further time as the Court may allow, and the resolution shall not take effect until such a copy has been so filed

Reduction of Share Capital

55. (1) No company limited by shares shall Reduction of share have power to buy its own capital shares unless the consequent reduction of capital is effected and sanctioned in manner hereinafter provided

(2) Subject to confirmation by the Court, a company limited by shares, if so authorised by its articles, may by special resolution reduce its share capital in any way, and in particular (without prejudice to the generality of the foregoing power) may—

(a) extinguish or reduce the liability on any of its shares in respect of share capital not paid up, or

(b) either with or without extinguishing or reducing liability on any of its shares, cancel any paid-up share capital which is lost or unrepresented by available assets, or

(c) either with or without extinguishing or reducing liability on any of its shares, pay off any paid-up share capital which is in excess of the wants of the company, and may, if and so far as is necessary, alter its memorandum by reducing the amount of its share capital and of its shares accordingly

(3) A special resolution under this section is in this Act called a resolution for reducing share capital

56. Where a company has passed and confirmed a resolution for reducing share capital, it may apply by petition to the Court for an order confirming the reduction

57. On and from the confirmation by a company of a resolution for reducing share capital, or where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, then on and from the presentation of the petition for confirming the reduction, the company shall add to its name, until such date as the Court may fix, the words "and reduced" as the last words in its name, and those words shall, until that date, be deemed to be part of the name of the company ;

Provided that, where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, the Court may, if it thinks expedient, dispense altogether with the addition of the words "and reduced"

58. (1) Where the proposed reduction of share capital involves either diminution of liability in respect of unpaid share capital, or the payment to any shareholder of any paid-up share capital, and in any other case if the Court so directs, every creditor of the company who at the date fixed by the Court is entitled to any debt or claim which, if that date were the commencement of the winding up of the company, would be admissible in proof against the company, shall be entitled to object to the reduction

(2) The Court shall settle a list of creditors so entitled to object, and for that purpose shall ascertain, as far as possible without requiring an application from any creditor, the names of those creditors and the nature and amount of their debts or claims, and may publish notices fixing a day or days within which creditors not entered on the list are to claim to be so entered or are to be excluded from the right of objecting to the reduction.

59. Where a creditor entered on the list of creditors whose debt or claim is not discharged or determined does not consent to the reduction, the Court may, if it thinks fit, dispense with the consent of that creditor, on the company securing payment of his debt or claim by appropriating, as the Court may direct, the following amount (that is to say),—

(a) if the company admits the full amount of his debt or claim, or, though not admitting it, is willing to provide for it, then the full amount of the debt or claim,

(as) if the company does not admit or is not willing to provide for the full amount of the debt or claim, or if the amount is contingent or not ascertained, then an amount fixed by the Court after the like inquiry and adjudication as if the company were being wound up by the Court

60 The Court, if satisfied, with respect to every creditor of the company who under this Act is entitled to object to the reduction, that either his consent to the reduction has been obtained or his debt or claim has been discharged or has been determined or has been secured, may make an order confirming the reduction on such terms and conditions as it thinks fit

61. (1) The registrar on production to him of an order of the Court confirming the reduction of the share capital of a company, and on the filing with him of a certified copy of the order and of a minute (approved by the Court) showing, with respect to the share capital of the company as altered by the order, the amount of the share capital, the number of shares into which it is to

The Indian Companies Act, 1913.

(Part III—Share Capital, Registration of Unlimited Company as Limited and Unlimited Liability of Directors—Sections 62-68)

be divided and the amount of each share, and the amount (if any) at the date of the registration deemed to be paid up on each share, shall register the order and minute.

(2) On the registration, and not before, the resolution for reducing share capital as confirmed by the order so registered shall take effect.

(3) Notice of the registration shall be published in such manner as the Court may direct.

(4) The registrar shall certify under his hand the registration of the order and minute; and his certificate shall be conclusive evidence that all the requirements of this Act with respect to reduction of share capital have been complied with, and that the share capital of the company is such as is stated in the minute.

62. (1) The minute when registered shall be deemed to be substituted for the corresponding part of the memorandum of the company, and shall be valid and alterable as if it had been originally contained therein, and shall be embodied in every copy of the memorandum issued after its registration.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding ten rupees for each copy in respect of which default is made, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

63. (1) A member of the company, past or present, shall not be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount paid, or (as the case may be) the reduced amount, if any, which is to be deemed to have been paid, on the share and the amount of the share as fixed by the minute.

Provided that, if any creditor, entitled in respect of any debt or claim to object to the reduction of share capital, is, by reason of his ignorance of the proceedings for reduction, or of their nature and effect with respect to his claim not entered on the list of creditors, and, after the reduction, the company is unable, within the meaning of the provisions of this Act with respect to winding up by the Court, to pay the amount of his debt or claim, then—

(i) every person who was a member of the company at the date of the registration of the order for reduction and minute, shall be liable to contribute for the payment of that debt, or claim an amount not exceeding the amount which he would have been liable to contribute if the company had commenced to be wound up on the day before that registration, and

(ii) if the company is wound up the Court, on the application of any such creditor and proof of his ignorance as aforesaid, may, if it thinks fit, settle accordingly a list of persons so liable to contribute, and make and enforce calls and orders on the contributories settled on the list as if they were ordinary contributories in a winding up.

(2) Nothing in this section shall affect the rights of the contributories among themselves.

64. If any officer of the company wilfully conceals the name of any creditor entitled to object to the reduction, or wilfully misrepresents the nature or amount of the debt or claim of any creditor, or if any officer of the company abets any such concealment or misrepresentation as aforesaid, every such officer shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

65. In any case of reduction of share capital, the Court may require the company to publish as the Court directs the reasons for reduction, or such other information in regard thereto as the Court may think expedient with a view to give proper information to the public, and, if the Court thinks fit, the causes which led to the reduction.

66. A company limited by guarantee and registered after the commencement of this Act may, if it has a share capital and is so authorised by its articles, increase or reduce its share capital in the same manner and subject to the same conditions in and subject to which a company limited by shares may increase or reduce its share capital under the provisions of this Act.

Registration of Unlimited Company as Limited.

67. (1) Subject to the provisions of this section, any company registered as unlimited may register under this Act as limited, or any company already registered as a limited company may re-register under this Act, but the registration of an unlimited company as a limited company shall not affect any debts, liabilities, obligations or contracts incurred or entered into by, to, with or on behalf of, the company before the registration, and those debts, liabilities, obligations and contracts may be enforced in manner provided by Part VIII of this Act in the case of a company registered in pursuance of that Part.

(2) On registration in pursuance of this section, the registrar shall close the former registration of the company, and may dispense with the delivery to him of copies of any documents with copies of which he was furnished on the occasion of the original registration of the company, but, save as aforesaid, the registration shall take place in the same manner and shall have effect as if it were the first registration of the company under this Act.

68. An unlimited company having a share capital may, by its resolution for registration as a limited company in pursuance of this Act, do either or both of the following things, namely—

(a) increase the nominal amount of its share capital by increasing the nominal amount of each of its shares, but subject to the condition that no part of the amount by which its capital is so increased shall be capable of being called

*The Indian Companies Act, 1913**Parts III and IV—Share Capital, Registration of Unlimited Company as Limited and Unlimited Liability of Directors—Management and Administration—Sections 69-74)*

up except in the event and for the purposes of the company being wound up,

- (b) provide that a specified portion of its uncalled share capital shall not be capable of being called up except in the event and for the purposes of the company being wound up

Reserve Liability of Limited Company

69. A limited company may by special resolution determine that any portion of its share capital which has not been already called up shall not be capable of being called up, except in the event and for the purposes of the company being wound up, and thereupon that portion of its share capital shall not be capable of being called up except in the event and for the purposes aforesaid

Unlimited Liability of Directors

70. (1) In a limited company the liability of the directors of any director, or, may, if so provided by the memorandum, be unlimited

(2) In a limited company in which the liability of any director is unlimited, the directors of the company (if any) and the member who proposes a person for election or appointment to the office of director shall add to that proposal a statement that the liability of the person holding that office shall be unlimited, and the promoters and officers of the company, or one of them, shall, before the person accepts the office or acts therein, give him notice in writing that his liability will be unlimited

(3) If any director or proposer makes default in adding such a statement, or if any promoter or officer of the company makes default in giving such a notice, he shall be liable to a fine not exceeding one thousand rupees and shall also be liable for any damage which the person elected or appointed may sustain from the default, but the liability of the person elected or appointed shall not be affected by the default.

71. (1) A limited company, if so authorised by its articles, may, by special resolution, alter its memorandum so as to render unlimited the liability of its directors or of any director

(2) Upon the confirmation of any such special resolution, the provisions thereof shall be as valid as if they had been originally contained in the memorandum, and a copy thereof shall be embodied in or annexed to every copy of the memorandum issued after the confirmation of the resolution

(3) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding ten rupees for each copy in respect of which default is made, and every officer of the company, who knowingly and wilfully authorises or permits the default, shall be liable to the like penalty.

PART IV

MANAGEMENT AND ADMINISTRATION.

Office and Name

72. (1) Every company shall have a registered office of office to which all communications and notices may be addressed

(2) Notice in writing of the situation of the registered office, and of any change therein, shall be filed with the registrar who shall record the same

(3) If a company carries on business without complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which it so carries on business

Publication of name 73 Every limited company—

(a) shall paint or affix, and keep painted or affixed, its name on the outside of every office or place in which its business is carried on, in a conspicuous position, in letters easily legible and in English characters, and also, if the registered office be situate in a place beyond the local limits of the ordinary original civil jurisdiction of a High Court, in the characters of one of the vernacular languages used in that place,

(b) shall have its name engraved in legible characters on its seal,

(c) shall have its name mentioned in legible English characters in all bill-heads and letter paper and in all notices, advertisements and other official publications of the company, and in all bills of exchange, hundis, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices, receipts and letters of credit of the company

74. (1) If a limited company does not paint or affix, and keep painted or affixed, its name in manner directed by this Act, it shall be liable to a fine not exceeding fifty rupees for not so painting or affixing its name, and for every day during which its name is not so kept painted or affixed, and every officer of the company, who knowingly and wilfully authorises or permits the default, shall be liable to the like penalty

(2) If any officer of a limited company, or any person on its behalf, uses or authorises the use of any seal purporting to be a seal of the company whereon its name is not so engraved as aforesaid, or issues or authorises the issue of any bill-head, letter paper, notice, advertisement or other official publication of the company, or signs or authorises to be signed on behalf of the company any bill of exchange, hundi, promissory note, endorsement, cheque or order for money or goods, or issues or authorises to be issued any bill of parcels, invoice, receipt or letter of credit of the company, whereon its name is not mentioned in manner aforesaid, he shall be liable to a fine not exceeding five hundred rupees, and shall

*The Indian Companies Act, 1913.**(Part IV.—Management and Administration—Sections 75-77)*

further be personally liable to the holder of any such bill of exchange, hundi, promissory note, cheque or order for money or goods, for the amount thereof, unless the same is duly paid by the company

75 (1) Where any notice, advertisement or other official publication of a company contains a statement of the amount of the authorised capital of the

Publication of authorised as well as subscribed and paid-up capital

company, such notice, advertisement or other official publication shall also contain a statement in an equally prominent position and in equally conspicuous characters of the amount of the capital which has been subscribed and the amount paid up

(2) Any company which makes default in complying with the requirements of this section and every officer of the company who is knowingly a party to the default shall be liable to a fine not exceeding one thousand rupees.

Meetings and Proceedings

76. (1) A general meeting of every company

Annual general meeting shall be held once at least in every year, and not more

than fifteen months after the holding of the last preceding general meeting, and, if not so held, the company and every officer of the company, who is knowingly a party to the default, shall be liable to a fine not exceeding five hundred rupees

(2) When default has been made in holding a meeting of the company in accordance with the provisions of this section, the Court may, on the application of any member of the company, call or direct the calling of a general meeting of the company.

77. (1) Every company limited by shares and

Statutory meeting of registered after the commencement of this Act shall, within a period of six months from the date at which the company is entitled to commence business, hold a general meeting of the members of the company which shall be called the statutory meeting

(2) The directors shall, at least ten days before the day on which the meeting is held, forward a report (in this Act called "the statutory report") to every member of the company and to every other person entitled under this Act to receive it

(3) The statutory report shall be certified by not less than two directors of the company or, where there are less than two directors, by the sole director and shall state—

(a) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

(b) the total amount of cash received by the company in respect of all the shares allotted distinguished as aforesaid,

(c) an abstract of the receipts of the company whether from its share capital or from debentures, and of the payments made thereout, up to a date within seven days of the date of the report, exhibiting under distinctive headings the receipts of the company from shares and debentures and other sources, the payments made thereout and particulars concerning the balance remaining in hand and an account or estimate of the preliminary expenses of the company,

(d) the names, addresses and descriptions of the directors, auditors (if any), managers (if any) and secretary of the company,

(e) the particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.

(4) The statutory report shall, so far as relates to the shares allotted by the company and to the cash received in respect of such shares and to the receipts and payments of the company's capital account, be certified as correct by the auditors (if any) of the company

(5) The directors shall cause a copy of the statutory report, certified as by this section required, to be filed with the registrar forthwith after the sending thereof to the members of the company

(6) Every director of the company who knowingly and wilfully authorises or permits a default in complying with the provisions of sub-section (1) or sub-section (5) shall be liable to a fine not exceeding twenty rupees for every day during which the default continues

(7) The directors shall cause a list showing the names, descriptions and addresses of the members of the company, and the number shares held by them respectively, to be produced at the commencement of the meeting, and remain open and accessible to any member of the company during the continuance of the meeting.

(8) The members of the company present at the meeting shall be at liberty to discuss as matters relating to the formation of the company or arising out of the statutory report, whether previous notice has been given or not, but resolution of which notice has not been given in accordance with the articles may be passed

(9) The meeting may adjourn from time to time, and at any adjourned meeting any resolution of which notice has been given in accordance with the articles, either before or subsequently to the former meeting, may be passed, and an adjourned meeting shall have the same powers as an original meeting

(10) If a petition is presented to the Court in manner provided by Part V for winding up a company on the ground of default in filing the statutory report or in holding the statutory meeting, the Court may, instead of directing that the company be wound up, give directions for the statutory report to be filed or a meeting

*The Indian Companies Act, 1913.**(Part IV—Management and Administration—Sections 78-82)*

to be held, or make such other order as may be just.

(11) The provisions of this section as to the forwarding and filing of the statutory report shall not apply in the case of a private company.

78 (1) Notwithstanding anything in the articles, the directors of a company which has a share capital shall, on the requisition of the holders of not less than one-tenth of the issued share capital of the company upon which all calls or other sums then due have been paid, forthwith proceed to call an extraordinary general meeting of the company.

(2) The requisition must state the objects of the meeting, and must be signed by the requisitionists and deposited at the registered office of the company, and may consist of several documents in like form, each signed by one or more requisitionists.

(3) If the directors do not proceed within twenty-one days from the date of the requisition being so deposited to cause a meeting to be called, the requisitionists, or a majority of them in value, may themselves call the meeting, but in either case any meeting so called shall be held within three months from the date of the deposit of the requisition.

(4) If at any such meeting a resolution requiring confirmation at another meeting is passed, the directors shall forthwith call a further extraordinary general meeting for the purpose of considering the resolution and, if thought fit, of confirming it as a special resolution and, if the directors do not call the meeting within seven days from the date of the passing of the first resolution, the requisitionists, or a majority of them in value, may themselves call the meeting.

(5) Any meeting called under this section by the requisitionists shall be called in the same manner, as nearly as possible, as that in which meetings are to be called by directors.

79. In default of, and subject to, any regulations in the articles,—

(a) a meeting of a company may be called by fourteen days' notice in writing, served on every member in manner in which notices are required to be served by Table A in the First Schedule,

(aa) five members may call a meeting,

(aaa) any person elected by the members present at a meeting may be chairman thereof; and

(ae) every member shall have one vote

80 A company which is a member of another company may, by resolution of the directors, authorise any of its officials or any other person to act as its representative at any meeting of that other company, and the person so authorised shall be entitled to exercise the same powers on behalf of the company which he represents as if he

were an individual shareholder of that other company

81. (1) A resolution shall be an extraordinary resolution when it has been passed by a majority of not less than three-fourths of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given.

(2) A resolution shall be a special resolution when it has been—

(a) passed in manner required for the passing of an extraordinary resolution, and

(b) confirmed by a majority of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a subsequent general meeting, of which notice has been duly given, and held after an interval of not less than fourteen days, nor more than one month, from the date of the first meeting.

(3) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed, a declaration of the chairman on a show of hands that the resolution is carried shall, unless a poll is demanded, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

(4) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed, a poll may be demanded by three persons for the time being entitled according to the articles to vote, unless the articles of the company require a demand by such number of such persons, not in any case exceeding five, as may be specified in the articles.

(5) In a case where, if a poll is demanded, it may in accordance with the articles be taken in such manner as the chairman may direct, it may, if the chairman so directs, be taken at the meeting at which it is demanded.

(6) When a poll is demanded in accordance with this section, in computing the majority on the poll, reference shall be had to the number of votes to which each member is entitled by the articles of the company.

(7) For the purposes of this section notice of a meeting shall be deemed to be duly given and the meeting to be duly held when the notice is given and the meeting held in manner provided by the articles.

82. (1) A copy of every special and extraordinary resolution shall, within fifteen days from the confirmation of the special resolution or from the passing of the extraordinary resolution, as the case may be, be printed or typewritten and filed with the registrar who shall record the same.

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(Part IV—Management and Administration—Sections 83-87)

(2) Where articles have been registered, a copy of every special resolution for the time being in force shall be embodied in or annexed to every copy of the articles issued after the date of the resolution

(3) Where articles have not been registered, a copy of every special resolution shall be forwarded in print to any member at his request, on payment of one rupee or such less sum as the company may direct

(4) If a company makes default in so filing with the registrar a copy of a special or extraordinary resolution, it shall be liable to a fine not exceeding twenty rupees for every day during which the default continues

(5) If a company makes default in embodying in or annexing to a copy of its articles or in forwarding in print to a member when required by this section a copy of a special resolution, it shall be liable to a fine not exceeding ten rupees for each copy in respect of which default is made.

(6) Every officer of a company who knowingly and wilfully authorises or permits any default by the company in complying with the requirements of this section shall be liable to the like penalty as is imposed by this section on the company for that default

83 (1) Every company shall cause minutes of all proceedings of general meetings and of its directors to be entered in books kept for that purpose.

(2) Any such minute, if purporting to be signed by the chairman of the meeting at which the proceedings were had, or by the chairman of the next succeeding meeting, shall be evidence of the proceedings.

(3) Until the contrary is proved, every general meeting of the company or meeting of directors or proceedings whereof minutes have been entered shall be deemed to have been duly held and all appointments of directors shall be deemed to be

valid and capable of being acted upon by the director of a company in any articles, and shall be deemed as a company in any company or in any by or on the registrar of the prospectus of himself

registrar a such

by the captain for a

number of shares not less than his qualification (if any), or signed and filed with the registrar a contract in writing to take from the company and pay for his qualification shares (if any)

(2) On the application for registration of the memorandum and articles of a company the applicant shall file with the registrar a list of the persons who have consented to be directors of the company, and, if this list contains the name of any person who has not so consented, the applicant shall be liable to a fine not exceeding five hundred rupees

(3) This section shall not apply to a private company nor to a prospectus issued by or on behalf of a company after the expiration of one year from the date at which the company is entitled to commence business.

85. (1) Without prejudice to the restriction imposed by section 84, a director who is by the articles required to hold a specified share qualification, and who is not already qualified, to obtain his qualification within two months after his appointment, or such shorter time as may be fixed by the articles

(2) The office of director of a company shall be vacated if the director does not, within two months from the date of his appointment, or within such shorter time as may be fixed by the articles, obtain his qualification, or if after the expiration of such period or shorter time he ceases at any time to hold his qualification, and a person vacating office under this section shall be incapable of being re-appointed director of the company until he has obtained his qualification

(3) If, after the expiration of the said period or shorter time, any unqualified person acts as a director of the company, he shall be liable to a fine not exceeding fifty rupees for every day between the expiration of the said period or shorter time and the last day on which it is proved that he acted as a director

86 The acts of a director shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification. Provided that nothing in this section shall be deemed to give validity to acts done by a director after the appointment of such director has been shown to be invalid

87 (1) Every company shall keep at its registered office a register containing the names and addresses and the occupations of its directors, and file with the registrar a copy thereof, and from time to time file with the registrar notice of any change among its directors or managers.

(2) If default is made in complying with this section, the company shall be liable to a fine not exceeding fifty rupees for every day during which the default continues, and every officer of the company, who knowingly and wilfully authorises or permits the default, shall be liable to the like penalty.

*The Indian Companies Act, 1913**(Part IV—Management and Administration—Sections 88-98)**Contracts*

88. (1) Contracts on behalf of a company may be made as follows (that is to say) —

(i) any contract which, if made between private persons, would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the company in writing signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged,

(ii) any contract which, if made between private persons, would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the company by any person acting under its authority, express or implied, and may in the same manner be varied or discharged

(3) All contracts made according to this section shall be effectual in law, and shall bind the company and its successors and all other parties thereto, their heirs, or legal representatives as the case may be

89. A bill of exchange, hundi, or promissory note shall be deemed to have been made, drawn, accepted or endorsed on behalf of a company if made, drawn, accepted or endorsed in the name of, or by or on behalf or on account of, the company by any person acting under its authority, express or implied.

90. A company may, by writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in British India, and every deed signed by such attorney, on behalf of the company, and under his seal, where sealing is required, shall bind the company, and have the same effect as if it were under its common seal

91 (1) A company whose objects require or comprise the transaction of business beyond the limits of British India may, if authorised by its articles, have for use in any territory, district or place not situate in British India, an official seal, which shall be a facsimile of the common seal of the company, with the addition on its face of the name of every territory, district or place where it is to be used

(2) A company having such an official seal may, by writing under its common seal, authorise any person appointed for the purpose in any territory, district or place not situate in British India to affix the same to any deed or other document to which the company is party in that territory, district or place.

(3) The authority of any such agent shall, as between the company and any person dealing with the agent, continue during the period (if any) mentioned in the instrument conferring the

authority, or if no period is there mentioned then until notice of the revocation or determination of the agent's authority has been given to the person dealing with him

(4) The person affixing any such official seal shall, by writing under his hand, on the deed or other document to which the seal is affixed, certify the date and place of affixing the same

(5) A deed or other document to which an official seal is duly affixed shall bind the company as if it had been sealed with the common seal of the company

Prospectus

92 (1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus

(2) A copy of every such prospectus, signed by every person who is named therein as a director or proposed director of the company, or by his agent authorised in writing, shall be filed for registration with the registrar on or before the date of its publication, and no such prospectus shall be issued until a copy thereof has been so filed for registration

(3) The registrar shall not register any prospectus unless it is dated, and the copy thereof signed, in manner required by this section

(4) Every prospectus shall state on the face of it that a copy has been filed for registration as required by this section.

(5) If a prospectus is issued without a copy thereof being so filed, the company, and every person who is knowingly a party to the issue of the prospectus, shall be liable to a fine not exceeding fifty rupees for every day from the date of the issue of the prospectus until a copy thereof is so filed

93. (1) Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation of the company, shall state—

(a) the contents of the memorandum, with the names, descriptions and addresses of the signatories and the number of shares subscribed for by them respectively, and the number of founders or management or deferred shares (if any) and the nature and extent of the interest of the holders in the property and profits of the company; and

(b) the number of shares (if any) fixed by the articles as the qualification of a director, and any provision in the articles as to the remuneration of the directors, and

(c) the names, descriptions and addresses of the directors or proposed directors and of the managers or proposed managers (if any); and

*The Indian Companies Act 1913.**(Part IV—Management and Administration.—Section 94)*

- (d) the minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share, and in the case of a second or subsequent offer of shares the amount offered for subscription on each previous allotment made within the two preceding years, and the amount actually allotted, and the amount (if any) paid on the shares so allotted, and
- (e) the number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which those shares or debentures have been issued or agreed to be issued, and
- (f) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of issue of the prospectus, and the amount payable in cash, shares or debentures to the vendor, and where there is more than one separate vendor or the company is a sub-purchaser, the amount so payable to each vendor. Provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors, and
- (g) the amount (if any) paid or payable as purchase-money in cash, shares or debentures, for any such property as aforesaid, specifying the amount (if any) payable for goodwill, and
- (h) the amount (if any) paid within the two preceding years or payable, as commission for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in, or debentures of, the company, or the rate of any such commission. Provided that it shall not be necessary to state the commission payable to sub-underwriters, and
- (i) the amount or estimated amount of preliminary expenses, and
- (j) the amount paid within the two preceding years or intended to be paid to any promoter, and the consideration for any such payment, and
- (k) the dates of, and parties to, every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected; Provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than two years before the date of issue of the prospectus, and
- (m) the names and addresses of the auditors (if any) of the company, and
- (n) full particulars of the nature and extent of the interest (if any) of every director in the promotion of, or in the property proposed to be acquired by, the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares or otherwise by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company, and
- (o) where the company is a company having shares of more than one class, the right of voting at meetings of the company conferred by the several classes of shares respectively
- (2) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary in the advertisement to specify the contents of the memorandum, or the signatories thereto, and the number of shares subscribed for by them
- (3) This section shall not apply to a circular or notice inviting existing members or debenture holders of a company to subscribe either for shares or for debentures of the company, whether with or without the right to renounce in favour of other persons.
- (4) The requirements of this section as to the memorandum and the qualification, remuneration and interest of directors, the names, descriptions and addresses of directors or proposed directors, and of managers or proposed managers, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus issued more than one year after the date at which the company is entitled to commence business
- (5) Nothing in this section shall limit or diminish any liability which any person may incur under the general law or this Act apart from this section.

94. For the purposes of section 93 every person

Meaning of "vendor" shall be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase, or for any option of purchase, of any property to be acquired by the company, in any case where—

- (a) the purchase-money is not fully paid at the date of issue of the prospectus; or
- (b) the purchase-money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or

*The Indian Companies Act, 1913**(Part IV—Management and Administration—Sections 95-100.)*

- (c) the contract depends for its validity or fulfilment on the result of that issue

95. Where any of the property to be acquired by the company is to be taken on lease, section 93 shall apply as if the expression "vendor" included the lessor, and the expression "purchase-money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

96. Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirements of section 93, or purporting to affect him with notice of any contract, document or matter not specifically referred to in the prospectus, shall be void.

97. In the event of non-compliance with any of the requirements of section 93, a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance, if he proves that—

- (a) as regards any matter not disclosed, he was not cognisant thereof; or
(b) the non-compliance arose from an honest mistake of fact on his part:

Provided that, in the event of non-compliance with the requirements contained in clause (a) of sub-section (1) of section 93, no such director or other person shall incur any liability in respect of the non-compliance unless it be proved that he had knowledge of the matters not disclosed.

98. (1) A company which does not issue a prospectus on or with reference to its formation shall not allot any of its shares or debentures unless before the first allotment of either shares or debentures there has been filed with the registrar a statement in lieu of prospectus signed by every person who is named therein as a director or a proposed director of the company or by his agent authorised in writing, in the form and containing the particulars set out in the Second Schedule.

(2) This section shall not apply to a private company or to a company which has allotted any shares or debentures before the commencement of this Act or, in so far as it relates to the allotment of shares to a company limited by guarantee and not having a share capital.

99. A company shall not, at any time, vary the terms of a contract referred to in the prospectus or statement in lieu of prospectus, except subject to the approval of the company in general meeting.

100. (1) Where a prospectus invites persons to subscribe for shares in or debentures of a company every person who is a director of the company at the time of the issue of the prospectus, and every person who has authorised the naming of himself and is named in the prospectus as a director or as having agreed to become a director either immediately or after an interval of time, and every

promoter of the company, and every person who has authorised the issue of the prospectus, shall be liable to pay compensation to all persons who subscribe for any shares or debentures on the faith of the prospectus for all loss or damage they may have sustained by reason of any misleading or untrue statement therein, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved—

- (a) with respect to every misleading or untrue statement not purporting to be made on the authority of an expert or of a public official document or statement, that he had reasonable ground to believe and did up to the time of the allotment of the shares or debentures, as the case may be, believe that the statement fairly represented the facts or was true,
(b) with respect to every misleading or untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation. Provided that the director, person named as director, promoter or person who authorised the issue of the prospectus shall be liable to pay compensation as aforesaid if it is proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it, and

- (c) with respect to every misleading or untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document

or unless it is proved—

- (d) that having consented to become a director of the company he withdrew his consent before the issue of the prospectus, and that it was issued without his authority or consent; or
(e) that the prospectus was issued without his knowledge or consent, and that on becoming aware of its issue, he forthwith gave a reasonable public notice that it was issued without his knowledge or consent, or
(f) that, after the issue of the prospectus and before allotment thereunder, he, on becoming aware of any misleading or untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of the withdrawal, and of the reason therefor.

(2) Where a company existing at the commencement of this Act has issued shares or debentures, and for the purpose of obtaining further capital by subscriptions for shares or debentures issues a prospectus, a director shall not be liable in respect of any statement therein, unless he has authorised the issue of the prospectus, or has adopted or ratified it.

*The Indian Companies Act, 1913**(Part IV—Management and Administration—Sections 100-103)*

(3) Where the prospectus contains the name of a person as a director of the company, or as having agreed to become a director thereof, and he has not consented to become a director, or has withdrawn his consent before the issue of the prospectus, and has not authorised or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus was issued, and any other person who authorised the issue thereof, shall be liable to indemnify the person named as aforesaid against all damages, costs and expenses to which he may be made liable by reason of his name having been inserted in the prospectus, or in defending himself against any suit or legal proceedings brought against him in respect thereof.

(4) Every person who, by reason of his being a director or named as a director, or as having agreed to become a director, or of his having authorised the issue of the prospectus, becomes liable to make any payment under this section, may recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment, unless the person who has become so liable was, and that other person was not, guilty of fraudulent misrepresentation.

(5) For the purposes of this section—

- (a) the expression "promoter" means a promoter who was a party to the preparation of the prospectus, or the portion thereof containing the misleading or untrue statement, but does not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company;
- (b) the expression "expert" includes engineer, valuer, accountant and any other person whose profession gives authority to a statement made by him.

Allotment.

101. (1) No allotment shall be made of any share capital of a company offered to the public for subscription, unless the following conditions have been complied with, namely:—

- (a) the amount (if any) fixed by the memorandum or articles and named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or
- (b) if no amount is so fixed and named, then the whole amount of the share capital so offered for subscription,

has been subscribed, and the sum payable on application for the amount so fixed and named or for the whole amount offered for subscription, has been paid to and received in cash by the company.

(2) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Act referred to as the minimum subscription.

(3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of one hundred and twenty days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to them without interest, and, if any such money is not so repaid within one hundred and thirty days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of seven per cent per annum from the expiration of the one hundred and thirtieth day. Provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

(5) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(6) This section, except sub-section (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.

(7) In the case of the first allotment of share capital payable in cash of a company which does not issue any invitation to the public to subscribe for its shares, no allotment shall be made unless the minimum subscription (that is to say)—

- (a) the amount (if any) fixed by the memorandum or articles and named in the statement in lieu of prospectus as the minimum subscription upon which the directors may proceed to allotment; or
- (b) if no amount is so fixed and named, the whole amount of the share capital other than that issued or agreed to be issued as fully or partly paid up otherwise than in cash,

has been subscribed and an amount not less than five per cent of the nominal amount of each share payable in cash has been paid to and received by the company.

(8) Sub-section (7) shall not apply to a private company or to a company which has allotted any shares or debentures before the commencement of this Act.

102. (1) An allotment made by a company to an applicant in contravention of the provisions of section 101 shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

(2) If any director of a company knowingly contravenes or permits or authorises the contravention of any of the provisions of section 101 with respect to allotment, he shall be liable to compensate the company and the allottee respectively for any loss, damages or costs which the company or the allottee may have sustained or incurred thereby: Provided that proceedings to recover any such loss, damages or costs shall not be commenced after the expiration of two years from the date of the allotment.

103. (1) A company shall not commence any business or exercise any borrowing powers unless—

- (a) shares held subject to the payment of the whole amount thereof in cash have

*The Indian Companies Act, 1913.**(Part IV—Management and Administration—Sections 103-105)*

been allotted to an amount not less in the whole than the minimum subscription, and

- (b) every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription or, in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, on the shares payable in cash, and
- (c) there has been filed with the registrar a duly verified declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with; and
- (d) in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, there has been filed with the registrar a statement in lieu of prospectus

(2) The registrar shall, on the filing of a duly verified declaration, in accordance with the provisions of this section certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled.

Provided that, in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, the registrar shall not give such a certificate unless a statement in lieu of prospectus has been filed with him.

(3) Any contract made by a company before a date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

(4) Nothing in this section shall prevent the simultaneous offer for subscription or allotment of any shares and debentures or the receipt of any money payable on application for debentures.

(5) If any company commences business or exercises borrowing powers in contravention of this section, every person who is responsible for such contravention shall, without prejudice to any other liability, be liable to a fine not exceeding one hundred rupees for every day during which such contravention continues.

(6) Nothing in this section shall apply to a private company, or to a company registered before the commencement of this Act which does not issue a prospectus inviting the public to subscribe for its shares or, in so far as its provisions relate to shares, to a company limited by guarantee and not having a share capital.

104. (1) Whenever a company having a share capital makes any allotment of its shares, the company, within one month thereafter,—

- (a) file with the registrar a return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses and descriptions of the allottees, and the

amount (if any) paid or due and payable on each share, and

- (b) in the case of shares allotted as fully or partly paid up otherwise than in cash, produce for the inspection and examination of the registrar a contract in writing constituting the title of the allottee to the allotment together with any contract of sale, or for services or other consideration in respect of which that allotment was made, such contracts being duly stamped, and file with the registrar copies verified in the prescribed manner of all such contracts and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) Where such a contract as above-mentioned is not reduced to writing, the company shall, within one month after the allotment, file with the registrar the prescribed particulars of the contract stamped with the same stamp-duty as would have been payable if the contract had been reduced to writing, and these particulars shall be deemed to be an instrument within the meaning of the Indian Stamp Act, 1899, and the registrar may, as a condition of filing the particulars, require that the duty payable thereon be adjudicated under section 31 of that Act.

(3) If default is made in complying with the requirements of this section, every officer of the company who is knowingly a party to the default shall be liable to a fine not exceeding five hundred rupees for every day during which the default continues.

Provided that, in case of default in filing with the registrar within one month after the allotment any document required to be filed by this section, the company, or any person liable for the default, may apply to the Court for relief, and the Court, if satisfied that the omission to file the document was accidental or due to inadvertence or that on other grounds it is just and equitable to grant relief, may make an order extending the time for the filing of the document for such a period as the Court may think proper.

Commissions and Discounts.

105. (1) It shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if the payment of the commission is authorised by the articles, and the commission paid or agreed to be paid does not exceed the amount or rate so authorised and if the amount or rate per cent. of the commission paid or agreed to be paid is—

- (a) in the case of shares offered to the public for subscription, disclosed in the prospectus, or
- (b) in the case of shares not offered to the public for subscription, disclosed in the statement in lieu of prospectus, or in a statement in the prescribed form signed in like manner as a statement in lieu of

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*The Indian Companies Act, 1913**(Part IV—Management and Administration—Sections 106-109)*

prospectus and filed with the registrar and, where a circular or notice, not being a prospectus inviting subscriptions for the shares is issued, also disclosed in that circular or notice

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company, or procuring, or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase-money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase-money or contract price, or otherwise

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay, and a vendor to, promoter of, or other person who receives payment in money or shares from, a company shall have and shall be deemed always to have had power, to apply any part of the money or shares so received in payment of any commission, the payment of which, if made directly by the company, would have been legal under this section

106 Where a company has paid any sums by way of commission in respect of any shares or debentures, or allowed any sums by way of discount in respect of any debentures, the total amount so paid or allowed or so much thereof as has not been written off, shall be stated in every balance-sheet of the company until the whole amount thereof has been written off

Payment of interest out of Capital

107. Where any shares of a company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthened period, the company may pay interest on so much of that share capital as is for the time being paid up for the period and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the work or building, or the provision of plant

Provided that—

- (1) no such payment shall be made unless the same is authorised by the articles or by special resolution,
- (2) no such payment, whether authorised by the articles or by special resolution, shall be made without the previous sanction of the Local Government, which sanction shall be conclusive evidence for the purposes of this section that the shares of the company, in respect of which such sanction is given, have been issued for a purpose specified in this section,

(3) before sanctioning any such payment, the Local Government may, at the expense of the company, appoint a person to inquire and report to such Local Government as to the circumstances of the case, and may, before making the appointment, require the company to give security for the payment of the costs of the inquiry,

(4) the payment shall be made only for such period as may be determined by the Local Government, and such period shall in no case extend beyond the close of the half-year next after the half-year during which the works or buildings have been actually completed or the plant provided,

(5) the rate of interest shall in no case exceed four per cent per annum or such lower rate as the Governor General in Council may, by notification in the Gazette of India, prescribe,

(6) the payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid,

(7) the accounts of the company shall show the share capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate,

(8) nothing in this section shall affect any company to which the Indian Railway Companies Act, 1895, or the Indian Tramways Act, 1902, applies.

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Certificates of Shares, etc

108. (1) Every company shall, within three months after the allotment of any of its shares, debentures or debenture stock, and within three months after the registration of the transfer of any such shares, debentures or debenture stock, complete and have ready for delivery the certificates of all shares, the debentures, and the certificates of all debenture stock allotted or transferred, unless the conditions of issue of the shares, debentures or debenture stock otherwise provide

(2) If default is made in complying with the requirements of this section, the company, and every officer of the company who is knowingly a party to the default, shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

Information as to Mortgages, Charges, etc

109 Every mortgage or charge created after the commencement of this Act by a company and being not registered either—

- (a) a mortgage or charge for the purpose of securing any issue of debentures, or
- (b) a mortgage or charge on uncalled share capital of the company; or
- (c) a mortgage or charge on any immovable property wherever situate, or any interest therein, or

*The Indian Companies Act, 1913.**(Part IV—Management and Administration—Sections 109-115)*

(d) a mortgage or charge on any book debts of the company, or

(e) a floating charge on the undertaking or property of the company,

shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the company, unless the prescribed particulars of the mortgage or charge, together with the instrument (if any) by which the mortgage or charge is created or evidenced, or a copy thereof verified in the prescribed manner are filed with the registrar for registration in manner required by this Act within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured, and when a mortgage or charge becomes void under this section, the money secured thereby shall immediately become payable.

Provided that—

(e) in the case of a mortgage or charge created out of British India comprising solely property situate outside British India, twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence, have been received in British India shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to be filed with the registrar, and

(ee) where the mortgage or charge is created in British India but comprises property outside British India, the instrument creating or purporting to create the mortgage or charge or a copy thereof verified in the prescribed manner may be filed for registration notwithstanding that further proceedings may be necessary to make the mortgage or charge valid or effectual according to the law of the country in which the property is situate, and

(ess) where a negotiable instrument has been given to secure the payment of any book debts of a company, the deposit of the instrument for the purpose of securing an advance to the company shall not for the purposes of this section be treated as a mortgage or charge on those book debts, and

(ev) the holding of debentures entitling the holder to a charge on immovable property shall not be deemed to be an interest in immovable property.

110 Where a series of debentures containing, or

Particulars in case of giving by reference to any series of debentures other instrument, any entitling holders *pari passu* charge to the benefit of *pari passu*, which the debenture-holders

if that series are entitled *pari passu* is created by a company, it shall be sufficient for the purposes of section 109 if there are filed with the registrar within twenty-one days after the execution of the deed containing the charge or, if there

is no such deed, after the execution of any debentures of the series, the following particulars—

(a) the total amount secured by the whole series, and

(b) the dates of the resolutions authorising the issue of the series and the date of the covering deed (if any) by which the security is created or defined, and

(c) a general description of the property charged, and

(d) the names of the trustees (if any) for the debenture-holders,

together with the deed or a copy thereof verified in the prescribed manner containing the charge, or if there is no such deed, one of the debentures of the series, and the registrar shall, on payment of the prescribed fee, enter those particulars in the register.

Provided that, where more than one issue is made of debentures in the series, there shall be filed with the registrar for entry in the register particulars of the date and amount of each issue, but an omission to do this shall not affect the validity of the debentures issued.

111. Where any commission, allowance or discount has been paid or made either directly or indirectly by the company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures, the particulars required to be filed for registration under sections 109 and 110 shall include particulars as to the amount or rate per cent of the commission, discount or allowance so paid or made, but an omission to do this shall not affect the validity of the debentures issued.

Provided that the deposit of any debentures as security for any debt of the company shall not for the purposes of this provision be treated as the issue of the debentures at a discount.

112. (1) The registrar shall keep, with respect to each company a register of mortgages and charges in the prescribed form of all the mortgages and charges created by the company after the commencement of this Act and requiring registration under section 109, and shall, on payment of the prescribed fee, enter in the register, with respect to every such mortgage or charge, the date of creation, the amount secured by it, short particulars of the property mortgaged or charged, and the names of the mortgagees or persons entitled to the charge.

(2) After making the entry required by subsection (1), the registrar shall return the instrument (if any) or the verified copy thereof, as the case may be, filed in accordance with the provisions of section 109 or section 110 to the person filing the same.

(3) The register kept in pursuance of this section shall be open to inspection by any person on payment of the prescribed fee, not exceeding one rupee for each inspection.

113. The registrar shall keep a chronological index, in the prescribed form and with the prescribed particulars, of the mortgages or charges registered with him under this Act.

*The Indian Companies Act, 1913**(Part IV.—Management and Administration.—Sections 114-122.)*

114. The registrar shall give a certificate under his hand of the registration of any mortgage or charge registered in pursuance of section 109, stating the amount thereby secured, and the certificate shall be conclusive evidence that the requirements of sections 109 to 112 as to registration have been complied with

115. The company shall cause a copy of every certificate of registration given under section 114, to be endorsed on every debenture or certificate of debenture stock which is issued by the company, and the payment of which is secured by the mortgage or charge so registered

Provided that nothing in this section shall be construed as requiring a company to cause a certificate of registration of any mortgage or charge so given to be endorsed on any debenture or certificate of debenture stock which has been issued by the company before the mortgage or charge was created

116. (1) It shall be the duty of the company to file with the registrar for registration the prescribed particulars of every mortgage or charge created by the company and of the issues of debentures of a series, requiring registration under section 109, but registration of any such mortgage or charge may be effected on the application of any person interested therein

(2) Where the registration is effected on the application of some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him to the registrar on the registration

117 Every company shall cause a copy of every instrument creating mortgage or charge to be kept at its registered office or at its registered office of the company. Provided that, in the case of a series of uniform debentures, a copy of one such debenture shall be sufficient.

118. (1) If any person obtains an order for the appointment of a receiver of the property of a company, or appoints such a receiver under any powers contained in any instrument, he shall, within fifteen days from the date of the order or of the appointment under the powers contained in the instrument, file notice of the fact with the registrar, and the registrar shall, on payment of the prescribed fee, enter the fact in the register of mortgages and charges

(2) If any person makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding fifty rupees for every day during which the default continues

119. (1) Every receiver of the property of a company who has been appointed under the powers contained in any instrument, and who has taken possession, shall once in every half-year while he remains in possession, and also on ceasing to act as receiver, file with the registrar an

abstract in the prescribed form of his receipts and payments during the period to which the abstract relates, and shall also on ceasing to act as receiver file with the registrar notice to that effect, and the registrar shall enter the notice in the register of mortgages and charges

(2) Every receiver who makes default in complying with the provisions of this section shall be liable to a fine not exceeding five hundred rupees

120 The Court, on being satisfied that the omission to register a mortgage or charge within the time required by section 109, or that the omission or mis-statement of any particular with respect to any such mortgage or charge, was accidental, or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors or shareholders of the company, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any person interested, and on such terms and conditions as seem to the Court just and expedient, order that the time for registration be extended, or, as the case may be, that the omission or mis-statement be rectified, and may make such order as to the costs of the application as it thinks fit

121. The registrar may, on evidence being given to his satisfaction that the debt for which any registered mortgage or charge was given has been paid or satisfied, order that a memorandum of satisfaction be entered on the register, and shall if required furnish the company with a copy thereof

122. (1) If any company makes default in filing with the registrar for registration the particulars—

- (a) of any mortgage or charge created by the company, or
- (b) of the issues of debentures of a series,

requiring registration with the registrar under the foregoing provisions of this Act, then, unless the registration has been effected on the application of some other person, the company, and every officer of the company or other person who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding five hundred rupees for every day during which the default continues.

(2) Subject as aforesaid, if any company makes default in complying with any of the requirements of this Act as to the registration with the registrar of any mortgage or charge created by the company, the company, and every officer of the company, who knowingly and wilfully authorises or permits the default shall, without prejudice to any other liability, be liable on conviction to a fine not exceeding one thousand rupees

(3) If any person knowingly and wilfully authorises or permits the delivery of any debenture or certificate of debenture stock requiring registration with the registrar under the foregoing provisions of this Act without a copy of the certificate of registration being endorsed upon it, he shall, without prejudice to any other liability, be liable on conviction to a fine not exceeding one thousand rupees

*The Indian Companies Act, 1913.**(Part IV.—Management and Administration—Sections 123-127)*

123 (1) Every limited company shall keep a register of mortgages and enter therein all mortgages and charges specifically affecting property of the company, giving in each case a short description of the property mortgaged or charged, the amount of the mortgage or charge and (except in the case of securities to bearer) the names of the mortgagees or persons entitled thereto

(2) If any director, manager or other officer of the company knowingly and wilfully authorises or permits the omission of any entry required to be made in pursuance of this section, he shall be liable to a fine not exceeding five hundred rupees

124 (1) The copies kept at the registered office of the company in pursuance of section 117 of instruments creating any mortgage or charge requiring registration under this Act with the registrar and the register of mortgages kept in pursuance of section 123, shall be open at all reasonable times to the inspection of any creditor or member of the company without fee, and the register of mortgages shall also be open to the inspection of any other person on payment of such fee, not exceeding one rupee for each inspection, as the company may prescribe

(2) If inspection of the said copies or register is refused, the company shall be liable to a fine not exceeding fifty rupees and a further fine not exceeding twenty rupees for every day during which the refusal continues, and every officer of the company who knowingly authorises or permits the refusal shall incur the like penalty, and in addition to the above penalty, the Court may by order compel an immediate inspection of the copies or register.

125. (1) Every register of holders of debentures of a company shall, except when closed in accordance with the articles during such period or periods (not exceeding in the whole thirty days in any year) as may be specified in the articles be open to the inspection of the registered holder of any such debentures, and of any holder of shares in the company, but subject to such reasonable restrictions as the company may in general meeting impose, so that at least two hours in each day are appointed for inspection, and every such holder may require a copy of the register or any part thereof on payment of six annas for every one hundred words or fractional part thereof required to be copied.

(2) A copy of any trust-deed for securing any issue of debentures shall be forwarded to every holder of any such debentures at his request on payment in the case of a printed trust-deed of the sum of one rupee or such less sum as may be prescribed by the company, or, where the trust-deed has not been printed, on payment of six annas for every one hundred words or fractional part thereof required to be copied.

(3) If inspection is refused, or a copy is refused or not forwarded, the company shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding twenty rupees for every day during which the refusal continues, and every officer of the company who knowingly authorises

or permits the refusal shall incur the like penalty, and the Court may by order compel an immediate inspection of the register

Debentures and Floating Charges.

126. A condition contained in any debentures or in any deed for securing any debentures, whether issued or executed before or after the passing of this Act, shall not be invalid by reason only that thereby the debentures are made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period however long

127 (1) Where either before or after the commencement of this Act a company has redeemed any debentures previously issued, the company, unless the articles or the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation on the company so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his assignee) shall have power, and shall be deemed always to have had power, to keep the debentures alive for the purposes of re-issue, and where a company has purported to exercise such a power the company shall have power, and shall be deemed always to have had power, to re-issue the debentures, either by re-issuing the same debentures or by issuing other debentures in their place, and upon such re-issue the person entitled to the debentures shall have, and shall be deemed always to have had, the same rights and priorities as if the debentures had not previously been issued

(2) Where with the object of keeping debentures alive for the purpose of re-issue they have, either before or after the commencement of this Act, been transferred to a nominee of the company, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section

(3) Where a company has, either before or after the commencement of this Act, deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit whilst the debentures remained so deposited

(4) The re-issue of a debenture or the issue of another debenture in its place under the power by this section given to, or deemed to have been possessed by, a company, whether the re-issue or issue was made before or after the commencement of this Act, shall be treated as the issue of a new debenture for the purposes of stamp-duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued

Provided that any person lending money on the security of a debenture re-issued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp-duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered, that the debenture was not duly stamped, but in any such case the company

*The Indian Companies Act, 1913**(Part IV—Management and Administration—Sections 128-134)*

shall be liable to pay the proper stamp-duty and penalty

(5) Nothing in this section shall prejudice—

(a) the operation of any decree or order of a Court of competent jurisdiction pronounced or made before the twenty-fifth day of February, 1910, as between the parties to the proceedings in which the decree or order was made, and any appeal from any such decree or order shall be decided as if this Act had not been passed, or

(b) any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a company by its debentures or the securities for the same

128. A contract with a company to take up and pay for any debentures of the company may be enforced by a decree for specific performance

Specific performance of contract to subscribe for debentures

129. (1) Where either a receiver is appointed

Payments of certain debts out of assets subject to floating charge in priority to claims under the charge

on behalf of the holders of any debentures of a company secured by a floating charge, or possession is taken by or on behalf of those debenture-holders of any property comprised in or subject to the charge, then, if the company is not at the time in course of being wound up, the debts which in every winding up are under the provisions of Part V relating to preferential payments to be paid in priority to all other debts, shall be paid forthwith out of any assets coming to the hands of the receiver or other person taking possession as aforesaid in priority to any claim for principal or interest in respect of the debentures

(2) The periods of time mentioned in the said provisions of Part V shall be reckoned from the date of the appointment of the receiver or of possession being taken as aforesaid, as the case may be

(3) Any payments made under this section shall be repouled, as far as may be, out of the assets of the company available for payment of general creditors

Statements, Books and Accounts

130. Every company shall keep proper books of account in which shall be entered full, true and complete accounts of the affairs and transactions of the company

Company to keep proper books of account

pany

131. (1) Every company shall, once at least in every year and at intervals of not more than fifteen months, cause the accounts of the company to be balanced and a balance-sheet to be prepared

Annual balance sheet

(2) The balance-sheet shall be audited by the auditor of the company as hereinafter provided, and the auditor's report shall be attached thereto, and shall be inserted at the foot thereof as once to the report, and the report shall be read at the company in general meeting and shall be open to inspection by any member of the company

(3) Every company other than a private company shall send a copy of such balance-sheet so audited to the registered address of every member of the company at least seven days before the meeting at which it is to be laid before the members of the company and shall deposit a copy at the registered office of the company for the inspection of the members of the company during a period of at least seven days before that meeting

(4) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding one thousand rupees, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty

132. (1) The balance-sheet shall contain a summary of the property and assets and of the capital and liabilities of the company giving such particulars as will disclose the general nature of those liabilities and assets and how the value of the fixed assets has been arrived at.

(2) The balance-sheet shall be in the form marked F in the Third Schedule or as near thereto as circumstances admit

133. (1) Save as provided by sub-section (2) the balance-sheet shall—

Authentication of balance sheet

(a) in the case of a banking company, be signed by the manager (if any) and, where there are more than three directors of the company, by at least three of those directors and, where there are not more than three directors, by all the directors,

(aa) in the case of any other company, be signed by two directors or, when there are less than two directors, by the sole director and by the manager (if any) of the company

(2) When the total number of directors of the company for the time being in British India is less than the number of directors whose signatures are required by sub-section (1), then the balance-sheet shall be signed by all the directors for the time being in British India, or, if there is only one director for the time being in British India, by such director, but in such a case there shall be subjoined to the balance-sheet a statement signed by such director or director explaining the reason for non-compliance with the provisions of sub-section (1)

(3) If any copy of a balance-sheet which has not been signed as required by this section is issued, circulated or published, the company and every officer of the company who is knowingly a party to the default shall be punishable with fine which may extend to five hundred rupees.

134. (1) After the balance-sheet has been laid before the company at the general meeting, a copy thereof signed by the manager or secretary of the company shall be filed with the registrar at the same time as the copy of the annual list of members and summary prepared in accordance with the requirements of section 82,

Copy of balance sheet and auditor's report to be forwarded to the registrar

*The Indian Companies Act, 1913**(Part IV—Management and Administration—Sections 135-139)*

(2) If the general meeting before which a balance-sheet is laid does not adopt the balance-sheet, a statement of that fact and of the reasons therefor shall be annexed to the balance-sheet and to the copy thereof required to be filed with the registrar.

(3) This section shall not apply to a private company.

(4) If a company makes default in complying with the requirements of this section, the company and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty as is provided by section 32 for a default in complying with the provisions of that section.

135. Save as otherwise provided in this Act, any member of a company shall be entitled to be furnished with copies of the balance-sheet and the auditor's report at a charge not exceeding six annas for every hundred words or fractional part thereof.

Statement to be published by Banking and certain other Companies

136 (1) Every company being a limited banking company or an insurance company or a depositor, provident or benefit society shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked G in the Third Schedule, or as near thereto as circumstances will admit.

(2) A copy of the statement shall be displayed and, until the display of the next following statement, kept displayed in a conspicuous place in the registered office of the company, and in every branch office or place where the business of the company is carried on.

(3) Every member and every creditor of the company shall be entitled to a copy of the statement on payment of a sum not exceeding eight annas.

(4) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(5) This section shall not apply to a life assurance company or provident insurance society to which the provisions of the Indian Life Assurance Companies Act, 1912, or of the Provident Insurance Societies Act, 1912, as the case may be, as to the annual statements to be made by such company or society apply with or without modifications, if the company or society complies with those provisions.

Investigation by the Registrar

137. (1) Where the registrar, on perusal of any document which a company is required to submit to him under the provisions of this Act, is of opinion that

Power of registrar to call for information or explanation

any information or explanation is necessary in order that such document may afford full particulars of the matter to which it purports to relate, he may, by a written order call on the company submitting the document to furnish in writing such information or explanation within such time as he may specify in his order.

(2) On the receipt of an order under sub-section (1), it shall be the duty of all persons who are or have been officers of the company to furnish such information or explanation to the best of their power.

(3) If any such person refuses or neglects to furnish any such information or explanation, he shall be liable to a fine not exceeding fifty rupees in respect of each offence.

(4) On receipt of such information or explanation the registrar may annex the same to the original document submitted to him, and any additional document so annexed by the registrar shall be subject to the like provisions as to inspection and the taking of copies as the original document is subject.

(5) If such information or explanation is not furnished within the specified time, or if after perusal of such information or explanation the registrar is of opinion that the document in question discloses an unsatisfactory state of affairs, or that it does not disclose a full and fair statement of the matters to which it purports to relate, the registrar shall report in writing the circumstances of the case to the Local Government.

Inspection and Audit.

138. The Local Government may appoint one or more competent inspectors to investigate the affairs of any company and to report thereon in such manner as the Local Government may direct—

- (i) in the case of a banking company having a share capital, on the application of members holding not less than one-fifth of the shares issued,
- (ii) in the case of any other company having a share capital, on the application of members holding not less than one-tenth of the shares issued,
- (iii) in the case of a company not having a share capital, on the application of not less than one-fifth in number of the persons on the company's register of members,
- (iv) in the case of any company, on a report by the registrar under section 137, sub-section (5).

139. An application by members of a company under section 138 shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for, and are not actuated by malicious motives in, requiring the investigation, and the Local Government may, before appointing an inspector, require the applicants to give security for payment of the costs of the inquiry.

*The Indian Companies Act, 1913**(Part IV.—Management and Administration—Sections 141-144)*

140. (1) It shall be the duty of all persons who are or have been officers of the company to produce to the inspectors all books and documents in their custody or power relating to the company.

(2) An inspector may examine on oath any such person in relation to its business, and may administer an oath accordingly.

(3) If any person refuses to produce any book or document which under this section it is his duty to produce, or to answer any question relating to the affairs of the company, he shall be liable to a fine not exceeding fifty rupees in respect of each offence.

141. (1) On the conclusion of the investigation the inspectors shall report their opinion to the Local Government, and a copy of the report shall be forwarded by the Local Government to the registered office of the company, and a further copy shall, at the request of the applicants for the investigation, be delivered to them.

(2) The report shall be written or printed, as the Local Government directs.

(3) All expenses of, and incidental to, the investigation shall be defrayed by the applicants unless the Local Government directs the same to be paid by the company, which the Local Government is hereby authorised to do.

142. (1) A company may by special resolution appoint inspectors to investigate its affairs.

(2) Inspectors so appointed shall have the same powers and duties as inspectors appointed by the Local Government, except that, instead of reporting to the Local Government, they shall report in such manner and to such persons as the company in general meeting may direct.

(3) All persons who are or have been officers of the company shall incur the like penalties in case of refusal to produce any book or document required to be produced to inspectors so appointed, or to answer any question, as they would have incurred if the inspectors had been appointed by the Local Government.

143. A copy of the report of any inspectors appointed under this Act, authenticated by the seal of the company whose affairs they have investigated, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in the report.

144. (1) No person shall be appointed or act as an auditor of any company other than a private company unless he holds a certificate from the Local Government entitling him to act as an auditor of companies.

Provided that the Governor General in Council may, by notification in the Gazette of India, declare that the members of any institution or association specified in such notification shall be entitled to be appointed and to act as auditors of companies throughout British India.

(2) The Local Government shall, by notification in the local official Gazette, make rules providing for the grant of certificates entitling persons to act as auditors of companies.

and may by such rules provide the conditions and restrictions on and subject to which such certificate shall be granted. The holder of such a certificate shall be entitled to act as an auditor of companies throughout British India unless such certificate restricts or limits the exercise of the right.

(3) Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

(4) If an appointment of an auditor is not made at an annual general meeting, the Local Government may, on the application of any member of the company, appoint an auditor of the company for the current year, and fix the remuneration to be paid to him by the company for his services.

(5) The following persons that is to say,

- (i) a director or officer of the company, and
- (ii) a partner of such director or officer, and
- (iii) in the case of a company other than a private company, any person in the employment of such director or officer,

shall not be appointed auditors of the company.

(6) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a member of the company to the company not less than fourteen days before such annual general meeting, and the company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to its members either by advertisement or in any other mode allowed by the articles not less than seven days before the annual general meeting.

Provided that, if after notice of the intention to nominate an auditor has been given to the company, an annual general meeting is called for a date fourteen days or less after the notice has been given, the requirements of this section as to time in respect of such a notice shall be deemed to have been satisfied, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this section, be sent or given at the same time as the notice of the annual general meeting.

(7) The first auditors of the company may be appointed by the directors before the statutory meeting, and if so appointed shall hold office until the first annual general meeting, unless previously removed by a resolution of the members of the company in general meeting, in which case such members at that meeting may appoint auditors.

(8) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues, the surviving or continuing auditor or auditors (if any) may act.

(9) The remuneration of the auditors of a company shall be fixed by the company in general meeting, except that the remuneration of any auditors appointed before the statutory meeting, or to fill any casual vacancy, may be fixed by the directors.

*The Indian Companies Act, 1913.**(Part IV—Management and Administration—Sections 145-153).*

145. (1) Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors.

(2) The auditors shall make a report to the members of the company on the accounts examined by them, and on every balance-sheet laid before the company in general meeting during their tenure of office, and the report shall state—

- (a) whether or not they have obtained all the information and explanations they have required, and
- (b) whether, in their opinion, the balance-sheet referred to in the report is drawn up in conformity with the law, and
- (c) whether such balance-sheet exhibits a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

(3) In the case of a banking company, if the company has branch banks beyond the limits of India, it shall be sufficient if the auditor is allowed access to such copies of and extracts from the books and accounts of any such branch as have been transmitted to the head office of the company in British India.

146. (1) Holders of preference shares and debentures of a company shall have the same right to receive and inspect the balance-sheets of the company and the reports of the auditors and other reports as is possessed by the holders of ordinary shares in the company.

(2) This section shall not apply to a private company, nor to a company registered before the commencement of this Act.

Carrying on business with less than the legal minimum of members

147. If at any time the number of members of a company is reduced, in the case of a private company, below two, or in the case of any other company, below seven, and it carries on business for more than six months while the number is so reduced, every person who is a member of the company during the time that it carries on business after those six months and is cognisant of the fact that it is carrying on business with fewer than two members or seven members, as the case may be, shall be severally liable for the payment of the whole debts of the company contracted during that time, and may be sued for the same without joinder in the suit of any other member.

Service and Authentication of Documents

148. A document may be served on a company by leaving it at, or sending it by post to, the registered office of the company.

149. A document may be served on the registrar by sending it to him by post or delivering it to him, or by leaving it for him at his office.

150. A document or proceeding requiring authentication by a company may be signed by a director, secretary or other authorised officer of the company, and need not be under its common seal.

Tables, Forms and Rules as to prescribed matters.

151. (1) The forms in the Third Schedule or forms as near thereto as circumstances admit shall be used in all matters to which those forms refer.

(2) The Governor General in Council may alter any of the tables and forms in the First Schedule, so that he does not increase the amount of fees payable to the registrar in the said Schedule mentioned, and may alter or add to the forms in the Third Schedule.

(3) Any such table or form, when altered, shall be published in the Gazette of India and on such publication shall have effect as if enacted in this Act, but no alteration made by the Governor General in Council in Table A in the First Schedule shall affect any company registered before the alteration, or repeal, as respects that company, any portion of that table.

(4) In addition to the powers hereinbefore conferred by this section, the Governor General in Council may make rules providing for all or any matters which by this Act are to be prescribed by his authority.

(5) Every such rule shall be published in the Gazette of India, and on such publication shall have effect as if enacted in this Act.

Arbitration and Compromise

152. (1) A company may by written agreement refer to arbitration, in accordance with the Indian Arbitration Act, 1899, an IX of 1899, existing or future difference between itself and any other company or person.

(2) Companies, parties to the arbitration, may delegate to the arbitrator power to settle any terms or to determine any matter capable of being lawfully settled or determined by the companies themselves, or by their directors or other managing body.

(3) The provisions of the Indian Arbitration Act, 1899, other than those restricting the application of the Act in respect of the subject-matter of the arbitration, shall apply to all arbitrations between companies and persons in pursuance of this Act.

153. (1) Where a compromise or arrangement is proposed between a company and its creditors or any class of them, or between the company and its members or any class of them, the Court may, on the application in a summary way of the company or of any creditor or member of the company or, in the case of a company being wound up,

The Indian Companies Act, 1913.

(Part IV—Management and Administration—Section 154. Part V—Winding up—Sections 155–157)

of the liquidator, order a meeting of the creditors or class of creditors, or of the members of the company or class of members, as the case may be, to be called, held and conducted in such manner as the Court directs.

(2) If a majority in number representing three-fourths in value of the creditors or class of creditors, or members or class of members, as the case may be, present either in person or by proxy at the meeting, agree to any compromise or arrangement, the compromise or arrangement shall, if sanctioned by the Court, be binding on all the creditors or the class of creditors, or on all the members or class of members, as the case may be, and also on the company, or, in the case of a company in the course of being wound up, on the liquidator and contributories of the company.

(3) In this section the expression "company" means any company liable to be wound up under this Act.

Conversion of private company into public company

154. (1) A private company may, subject to anything contained in its memorandum or articles, be converted into a public company by a special resolution and by filing with the registrar a copy of such resolution and also such a statement in lieu of prospectus as the company, if a public company, would have had to file before allotting any of its shares or debentures, together with such a duly verified declaration as the company, if a public company, would have had to file before commencing business, turn itself into a public company.

(2) Upon the filing of the documents mentioned in sub-section (1), the registrar shall record the change in his books relating to the company.

PART V

WINDING UP

Preliminary.

Mode of winding up 1 (1) The winding up of a company may be either—

- (i) by the Court, or
- (ii) voluntary, or
- (iii) subject to the supervision of the Court.

(2) The provisions of this Act with respect to winding up apply, unless the contrary appears, to the winding up of a company in any of these modes.

Contributories

156. (1) In the event of a company being wound up, every present and past member shall, subject to the provisions of this section, be liable to contribute to the assets of the company to an amount sufficient for payment of its debts and liabilities and the costs, charges and expenses of the winding up, and for the adjustment of the rights of the contributories

among themselves, with the qualifications following (that is to say):—

- (i) a past member shall not be liable to contribute if he has ceased to be a member for one year or upwards before the commencement of the winding up,
- (ii) a past member shall not be liable to contribute in respect of any debt or liability of the company contracted after he ceased to be a member;
- (iii) a past member shall not be liable to contribute unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act,
- (iv) in the case of a company limited by shares, no contribution shall be required from any member exceeding the amount (if any) unpaid on the shares in respect to which he is liable as a present or past member,
- (v) in the case of a company limited by guarantee, no contribution shall be required from any member exceeding the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up,
- (vi) nothing in this Act shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members on the policy or contract is restricted, or where by the funds of the company are alone made liable in respect of the policy or contract;
- (vii) a sum due to any member of a company in his character of a member, by way of dividends, profits or otherwise, shall not be deemed to be a debt of the company payable to that member in a case of competition between himself and any other creditor not a member of the company, but any such sum may be taken into account for the purpose of the final adjustment of the rights of the contributories among themselves.

(2) In the winding up of a company limited by guarantee which has a share capital, every member of the company shall be liable, in addition to the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up, to contribute to the extent of any sums unpaid on any shares held by him.

157. In the winding up of a limited company any director whether past or present, whose liability is unlimited, shall, in addition to his liability (if any) to contribute as an ordinary member, be liable to make a further contribution as if he were at the commencement of the winding up a member of an unlimited company.

Provided that—

- (i) a past director shall not be liable to make such further contribution if he has ceased to hold office for a year or upwards before the commencement of the winding up,

*The Indian Companies Act, 1913.**(Part V.—Winding up—Sections 158-166)*

(ii) a past director shall not be liable to make such further contribution in respect of any debt or liability of the company contracted after he ceased to hold office,

(iii) subject to the articles a director shall not be liable to make such further contribution unless the Court deems it necessary to require that contribution in order to satisfy the debts and liabilities of the company, and the costs, charges and expenses of the winding up

158 The term "contributory" means every person liable to contribute to the assets of a company in the event of its being wound up, and, in all proceedings for determining and in all proceedings prior to the final determination of the persons liable to be deemed contributories, includes any person alleged to be a contributory

159 (1) The liability of a contributory shall be to pay the amount of any debt or liability of the company from him at the time when his liability commenced, but payable at the times when calls are made for discharging the liability

(2) No claim founded on the liability of a contributory shall be cognizable by any Court of small Causes sitting outside the Presidency-towns

160 (1) If a contributory dies either before or after he has been placed on the list of contributories, his legal representatives and his heirs shall be liable in a due course of administration to contribute to the assets of the company in discharge of his liability and shall be contributories accordingly

(2) If the legal representatives or heirs make default in paying any money ordered to be paid by the Court, proceedings may be taken for administering the property of the deceased contributory, whether moveable or immovable, or both, and of compelling payment thereout of the money due

161. If a contributory is adjudged insolvent either before or after he has been placed on the list of contributories, then—

(1) his assignees shall represent him for all the purposes of the winding up, and shall be contributories accordingly, and may be called on to admit to proof against the estate of the insolvent, or otherwise to allow to be paid out of his assets in due course of law, any money due from the insolvent in respect of his liability to contribute to the assets of the company, and

(2) there may be proved against the estate of the insolvent the estimated value of his liability to future calls as well as calls already made

Winding up by Court

162. A company may be wound up by the Court—

(1) if the company has by special resolution resolved that the company be wound up by the Court:

(ii) if default is made in filing the statutory report or in holding the statutory meeting

(iii) if the company does not commence its business within a year from its incorporation, or suspends its business for a whole year

(iv) if the number of members is reduced, in the case of a private company, below two or, in the case of any other company, below seven

(v) if the company is unable to pay its debts:

(vi) if the Court is of opinion that it is just and equitable that the company should be wound up

163. A company shall be deemed to be unable to pay its debts—

(i) if a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding five hundred rupees then due, has served on the company, by leaving a demand under his hand requiring the company to pay the sum so due and the company has for three weeks thereafter neglected to pay the sum, or to secure or compound for it to the reasonable satisfaction of the creditor, or

(ii) if execution or other process issued on a decree or order of any Court in favour of a creditor of the company is returned unsatisfied in whole or in part, or

(iii) if it is proved to the satisfaction of the Court that the company is unable to pay its debts, and, in determining whether a company is unable to pay its debts, the Court shall take into account the contingent and prospective liabilities of the company

164 Where the High Court makes an order for winding up a company under this Act, it may, if it thinks fit, direct all subsequent proceedings to be had in a District Court, and thereupon such District Court shall, for the purpose of winding up the company, be deemed to be "the Court" within the meaning of this Act, and shall have, for the purposes of such winding up, all the jurisdiction and powers of the High Court

165 If during the progress of a winding up in a District Court it is made to appear to the High Court that the same could be more conveniently prosecuted in any other District Court having jurisdiction to wind up companies, the High Court may transfer the same to such other Court, and thereupon the winding up shall proceed in such other District Court

166 An application to the Court for the winding up of a company shall be by petition presented, subject to the provisions of this section, either by the company, or by any creditor or creditors (including any contingent or prospective creditor or creditors), con-

*The Indian Companies Act, 1913.**(Part V—Winding up—Sections 167-175)*

tributary or contributories, or by all or any of those parties, together or separately

Provided that—

(a) a contributory shall not be entitled to present a petition for winding up a company unless—

(i) either the number of members is reduced, in the case of a private company, below two, or, in the case of any other company, below seven, or

(ii) the shares in respect of which he is a contributory or some of them either were originally allotted to him or have been held by him, and registered in his name, for at least six months during the eighteen months before the commencement of the winding up, or have devolved on him through the death of a former holder,

(b) a petition for winding up a company on the ground of default in filing the statutory report or in holding the statutory meeting shall not be presented by any person except a shareholder, not before the expiration of fourteen days after the last day on which the meeting ought to have been held,

(c) the Court shall not give a hearing to a petition for winding up a company by a creditor or prospective creditor until such security for costs has been given as the Court thinks reasonable and until a *prima facie* case for winding up has been established to the satisfaction of the Court

167 An order for winding up a company shall operate in favour of all the creditors and of all the contributories of the company as if made on the joint petition of a creditor and of a contributory

168. A winding up of a company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding up

169. The Court may, at any time after the presentation of the petition for winding up a company under this Act, and before making an order for winding up the company, upon the application of the company or of any creditor or contributory of the company, restrain further proceedings in any suit or proceeding against the company, upon such terms as the Court thinks fit

170. (1) On hearing the petition the Court may dismiss it with or without costs, or adjourn the hearing conditionally or unconditionally, or make any interim order or any other order that it deems just, but the Court shall not refuse to make a winding up order on the ground only that the assets of the company have been mortgaged to an amount equal to or in excess of those assets, or that the company has no

(2) Where the petition is presented on the ground of default in filing the statutory report or in holding the statutory meeting, the Court may order the costs to be paid by any persons who, in the opinion of the Court, are responsible for the default

171. When a winding up order has been made, no suit or other legal proceeding shall be proceeded with or commenced against the company except by leave of the Court, and subject to such terms as the Court may impose

172. (1) On the making of a winding up order, it shall be the duty of the registrar to file with the company forthwith to file with the registrar a copy of the order, and the petitioner in the winding up proceedings may so file a copy

(2) On the filing of a copy of a winding up order, the registrar shall make a minute thereof in his books relating to the company, and shall notify in the local official Gazette that such an order has been made

(3) Such order shall be deemed to be notice of discharge to the servants of the company, except when the business of the company is continued

173 The Court may at any time after an order for winding up, on the application of any creditor or contributory, and on proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the proceedings, either altogether or for a limited time, on such terms and conditions as the Court thinks fit

174. The Court may, as to all matters relating to a winding up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence

Official Liquidators

175. (1) For the purpose of conducting the proceedings in winding up a company and performing such duties in reference thereto as the Court may impose, the Court may appoint a person or persons, to be called an official liquidator or official liquidators

(2) The Court may make such an appointment provisionally at any time after the presentation of a petition and before the making of an order for winding up

(3) If more persons than one are appointed to the office of official liquidator, the Court shall declare whether any act by this Act required or authorised to be done by the official liquidator is to be done by all or any one or more of such persons

(4) The Court may determine whether any, and what, security is to be given by any official liquidator on his appointment

(5) The acts of an official liquidator shall be valid notwithstanding any defect that may afterwards be discovered in his appointment. Provided that nothing in this sub-section shall be deemed to give validity to acts done by an official liquidator after his appointment has been shown to be invalid

*The Indian Companies Act, 1913***(Part V—Winding up—Sections 176-183.)*

(6) A receiver shall not be appointed of assets in the hands of an official liquidator

176. (1) Any official liquidator may resign or be removed by the Court on Resignations, removals, filling up vacancies and compensation due cause shown

(2) Any vacancy in the office of an official liquidator appointed by the Court shall be filled up by the Court

(3) There shall be paid to the official liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct, and, if more liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs

177 The official liquidator shall be described by the style of the official liquidator of the particular company in respect of which he is appointed, and not by his individual name

178. (1) The official liquidator shall take Custody of company's property into his custody, or under his control, all the property, effects and actionable claims to which the company is or appears to be entitled

(2) If no official liquidator is appointed, or during any vacancy in such appointment, all the property of the company shall be deemed to be in the custody of the Court

179 The official liquidator shall have power, with the sanction of the Court, to do the following things—

- (a) to institute or defend any suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the company,
- (b) to carry on the business of the company so far as may be necessary for the beneficial winding up of the same,
- (c) to sell the immovable and moveable property of the company by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels,
- (d) to do all acts and to execute, in the name and on behalf of the company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the company's seal,
- (e) to prove, rank and claim in the insolvency of any contributory, for any balance against his estate, and to receive dividends in the insolvency, in respect of that balance, as a separate debt due from the insolvent, and rateably with the other separate creditors,
- (f) to draw, accept, make and indorse any bill of exchange, hundi or promissory note in the name and on behalf of the company, with the same effect with respect to the liability of the company as if the bill, hundi or note had been drawn, accepted, made or indorsed by or on behalf of the company in the course of its business,
- (g) to raise on the security of the assets of the company any money requisite,

(h) to take out, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act necessary for obtaining payment of any money due from a contributory or his estate which cannot be conveniently done in the name of the company, and in all such cases the money due shall, for the purpose of enabling the liquidator to take out the letters of administration or recover the money, be deemed to be due to the liquidator himself. Provided that nothing herein empowered shall be deemed to affect the rights, duties and privileges of any Administrator General,

(i) to do all such other things as may be necessary for winding up the affairs of the company and distributing its assets

180. The Court may provide by any order that the official liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an official liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him

181 The official liquidator may, with the sanction of the Court, appoint an advocate, attorney or pleader to assist him in the performance of his duties. Provided that, where the official liquidator is an attorney, he shall not appoint his partner, unless the latter consents to act without remuneration

182. The official liquidator of a company which is being wound up by the Court shall keep, in manner prescribed, proper books in which he shall cause to be made entries of minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor or contributory may, subject to the control of the Court, personally or by his agent inspect any such books

183. (1) Subject to the provisions of this Act the official liquidator of a company which is being wound up by the Court shall, in the administration of the assets of the company and in the distribution thereof amongst its creditors, have regard to any directions that may be given by resolution of the creditors or contributories at any general meeting

(2) The official liquidator may summon general meetings of the creditors or contributories for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors or contributories, by resolution, may direct, or whenever requested in writing to do so by one-tenth in value of the creditors or contributories, as the case may be

(3) The official liquidator may apply to the Court in manner prescribed for directions in relation to any particular matter arising in the winding up

(4) Subject to the provisions of this Act, the official liquidator shall use his own discretion in

*The Indian Companies Act, 1913**(Part V.—Winding up—Sections 184-194.)*

the administration of the assets of the company and in the distribution thereof among the creditors

(5) If any person is aggrieved by any act or decision of the official liquidator, that person may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order as it thinks just in the circumstances

Ordinary powers of Court

184. (1) As soon as may be after making a winding up order, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where rectification is required in pursuance of this Act, and shall cause the assets of the company to be collected and applied in discharge of its liabilities

Settlement of list of contributories and apportionment of assets

to rectify the register of members in all cases where rectification is required in pursuance of this Act, and shall cause the assets of the company to be collected and applied in discharge of its liabilities

(2) In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or liable for the debts of others

185. The Court may, at any time after making a winding up order, require any contributory for the time being settled on the list of contributories and any trustee, receiver, banker, agent, or officer of the company to pay, deliver, surrender or transfer forthwith, to the official liquidator any money, property or documents in his hands to which the company is *prima facie* entitled

Power to require delivery of property

any contributory for the time being settled on the list of contributories and any trustee, receiver, banker, agent, or officer of the company to pay, deliver, surrender or transfer forthwith, to the official liquidator any money, property or documents in his hands to which the company is *prima facie* entitled

186 (1) The Court may, at any time after making a winding up order, make an order on any contributory for the time being settled on the list of contributories to pay, in manner directed by the order, any money due from him or from the estate of the person whom he represents to the company exclusive of any money payable by him or the estate by virtue of any call in pursuance of this Act

Power to order payment of debts by contributory

any contributory for the time being settled on the list of contributories to pay, in manner directed by the order, any money due from him or from the estate of the person whom he represents to the company exclusive of any money payable by him or the estate by virtue of any call in pursuance of this Act

(2) The Court in making such an order may, in the case of an unlimited company, allow to the contributory by way of set-off any money due to him or to the estate which he represents from the company on any independent dealing or contract with the company, but not any money due to him as a member of the company in respect of any dividend or profit, and may, in the case of a limited company, make to any director whose liability is unlimited or to his estate the like allowance

Provided that in the case of any company, whether limited or unlimited, when all the creditors are paid in full, any money due on any account whatever to a contributory from the company may be allowed to him by way of set-off against any subsequent call

187 (1) The Court may, at any time after making a winding up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list

Power of Court to make calls

and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list

of the contributories to the extent of their liability, for payment of any money which the Court considers necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves

(2) In making the call the Court may take into consideration the probability that some of the contributories may partly or wholly fail to pay the call

188 The Court may order any contributory, purchaser or other person from whom money is due to the company to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof, respectively, to the account of the official liquidator instead of to the official liquidator, and any such order may be enforced in the same manner as if it had directed payment to the official liquidator

Power to order payment into bank

any contributory, purchaser or other person from whom money is due to the company to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof, respectively, to the account of the official liquidator instead of to the official liquidator, and any such order may be enforced in the same manner as if it had directed payment to the official liquidator

189 All money, bills, hundis, notes and other securities paid and delivered into the Bank of Bengal, the Bank of Madras or the Bank of Bombay, or any branch thereof, respectively, in the event of a company being wound up by the Court, shall be subject in all respects to the orders of the Court

Regulation of account with Court

all money, bills, hundis, notes and other securities paid and delivered into the Bank of Bengal, the Bank of Madras or the Bank of Bombay, or any branch thereof, respectively, in the event of a company being wound up by the Court, shall be subject in all respects to the orders of the Court

190 (1) An order made by the Court on a contributory shall (subject to any right of appeal) be conclusive evidence that the money, if any, thereby appearing to be due or ordered to be paid is due

Order on contributory conclusive evidence

any contributory shall (subject to any right of appeal) be conclusive evidence that the money, if any, thereby appearing to be due or ordered to be paid is due

(2) All other pertinent matters stated in the order shall be taken to be truly stated as against all persons, and in all proceedings whatsoever

191 The Court may fix a time or times within which creditors are to prove their debts or claims, or to be excluded from the benefit of any distribution made before those debts are proved

Power to exclude creditors not proving in time

any creditors are to prove their debts or claims, or to be excluded from the benefit of any distribution made before those debts are proved

192 The Court shall adjust the rights of the contributories among themselves, and distribute any surplus among the persons entitled thereto

Adjustment of rights of contributories

the contributories among themselves, and distribute any surplus among the persons entitled thereto

193 The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the costs, charges and expenses incurred in the winding up in such order of priority as the Court thinks just

Power to order costs

in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the costs, charges and expenses incurred in the winding up in such order of priority as the Court thinks just

194 (1) When the affairs of a company have been completely wound up, the Court shall make an order that the company be dissolved from the date of the order, and the company shall be dissolved accordingly

Dissolution of company

When the affairs of a company have been completely wound up, the Court shall make an order that the company be dissolved from the date of the order, and the company shall be dissolved accordingly

(2) The order shall be reported within fifteen days of the making thereof by the official liquidator to the registrar, who shall make in his books a minute of the dissolution of the company

(3) If the official liquidator makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding fifty rupees for every day during which he is in default

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(Part V—Winding up—Sections 195-201.)

Extraordinary Powers of Court

195 (1) The Court may, after it has made power to summon a winding up order, summon persons suspected of before it any officer of the having property of company or person known company, or suspected to have in his possession any property of the company, or supposed to be indebted to the company, or any person whom the Court deems capable of giving information concerning the trade, dealings, affairs or property of the company

(2) The Court may examine him on oath concerning the same, either by word of mouth or on written interrogatories, and may reduce his answers to writing and require him to sign them

(3) The Court may require him to produce any documents in his custody or power relating to the company, but, where he claims any lien on documents produced by him, the production shall be without prejudice to that lien, and the Court shall have jurisdiction in the winding up to determine all questions relating to that lien

(4) If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, not having a lawful impediment (made known to the Court at the time of its sitting, and allowed by it), the Court may cause him to be apprehended and brought before the Court for examination

196 (1) When an order has been made for winding up a company by the Court, and the official liquidator has applied to the Court stating that in his opinion a fraud has been committed by any person in the promotion or formation of the company or by any director or other officer of the company in relation to the company since its formation, the Court may, after consideration of the application, direct that any person who has taken any part in the promotion or formation of the company, or has been a director, manager or other officer of the company, shall attend before the Court on a day appointed by the Court for that purpose, and be publicly examined as to the promotion or formation or the conduct of the business of the company, or as to his conduct and dealings as director, manager or other officer thereof.

(2) The official liquidator shall take part in the examination, and for that purpose may, if specially authorised by the Court in that behalf, employ such legal assistance as may be sanctioned by the Court

(3) Any creditor or contributory may also take part in the examination either personally or by any person entitled to appear before the Court

(4) The Court may put such questions to the person examined as the Court thinks fit

(5) The person examined shall be examined on oath, and shall answer all such questions as the Court may put or allow to be put to him.

(6) A person ordered to be examined under this section may at his own cost employ any person entitled to appear before the Court, who shall be at liberty to put to him such questions as the Court may deem just for the purpose of enabling him to explain or qualify any answers given by him. Provided that if he is, in the opinion of the Court,

exculpated from any charges made or suggested against him, the Court may allow him such costs as in its discretion it may think fit

(7) Notes of the examination shall be taken down in writing, and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him in civil proceedings, and shall be open to the inspection of any creditor or contributory at all reasonable times

(8) The Court may, if it thinks fit, adjourn the examination from time to time

(9) An examination under this section may, if the Court so directs, and subject to any rules in this behalf, be held before any District Judge or before any officer of the High Court, being an official referee, master, registrar or deputy registrar, and the powers of the Court under this section as to the conduct of the examination, but not as to costs, may be exercised by the person before whom the examination is held

197 The Court, at any time either before or after making a winding up order on proof of probable cause for believing that a contributory is about to quit British India or otherwise to abscond, or to remove or conceal any of his property, for the purpose of evading payment of calls or of avoiding examination respecting the affairs of the company, may cause the contributory to be arrested and his books and papers and moveable property to be seized, and him and them to be safely kept until such time as the Court may order

198 Any powers by this Act conferred on the Court shall be in addition to, and not in restriction of, any existing powers of instituting proceedings against any contributory or debtor of the company, or the estate of any contributory or debtor, for the recovery of any call or other sums

Enforcement of and Appeal from Orders.

199. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

200 Any order made by a Court for or in the Order made in any course of the winding up Court to be enforced by a company shall be enforced in any place in British India other than that in which such Court is situate, by the Court that would have had jurisdiction in respect of such company if the registered office of the company had been situate at such other place, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

201. Where any order made by one Court is to be enforced by another Court, a certified copy of the order so made shall be produced to the proper officer of the Court requested to enforce the same, and the production of such certified copy shall be sufficient evidence of such order having been made, and thereupon the last-mentioned Court shall take the requisite steps in the matter for enforcing the

*The Indian Companies Act, 1913**(Part V—Winding up—Sections 202-209)*

order, in the same manner as if it were the order of the Court enforcing the same

202 Re-hearings of, and appeals from, any order or decision made or given in the matter of the winding up of a company by the Court may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction

Voluntary winding up.

203 A company may be wound up voluntarily—
Circumstances in which company may be wound up voluntarily.

- (1) when the period (if any) fixed for the duration of the company by the articles expires, or the event (if any) occurs, on the occurrence of which the articles provide that the company is to be dissolved and the company in general meeting has passed a resolution requiring the company to be wound up voluntarily,
- (2) if the company resolves by special resolution that the company be wound up voluntarily,
- (8) if the company resolves by extraordinary resolution to the effect that it cannot by reason of its liabilities continue its business, and that it is advisable to wind up

204. A voluntary winding up shall be deemed to commence at the time of the passing of the resolution authorising the winding up
Commencement of voluntary winding up

205. When a company is wound up voluntarily, the company shall, from the commencement of the winding up, cease to carry on its business, except so far as may be required for the beneficial winding up thereof
Effect of voluntary winding up on status of company

Provided that the corporate state and corporate powers of the company shall, notwithstanding anything to the contrary in its articles, continue until it is dissolved

206. (1) Notice of any special resolution or extraordinary resolution for winding up a company voluntarily shall be given by the company within ten days of the passing of the same by advertisement in the local official Gazette, and also in some newspaper (if any) circulating in the district where the registered office of the company is situate.
Notes of resolution to wind up voluntarily

(2) If a company makes default in complying with the requirements of this section it shall be liable to a fine not exceeding fifty rupees for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to a like penalty

207. The following consequences shall ensue on the voluntary winding up of a company —
Consequences of voluntary winding up

- (1) the assets of the company shall be applied in satisfaction of its liabilities *pari passu*

and, subject thereto, shall, unless the articles otherwise provide, be distributed among the members according to their rights and interests in the company,

- (iii) the company in general meeting shall appoint one or more liquidators for the purpose of winding up the affair, and distributing the assets of the company, and may fix the remuneration to be paid to him or them,
- (iii) on the appointment of a liquidator all the powers of the directors shall cease, except so far as the company in general meeting, or the liquidator, sanctions the continuance thereof,
- (iv) the liquidator may, without the sanction of the Court, exercise all powers by this Act given to the official liquidator in a winding up by the Court,
- (v) the liquidator may exercise the powers of the Court under this Act of settling a list of contributories, and of making calls, and shall pay the debts of the company, and adjust the rights of the contributories among themselves,
- (vi) the list of contributories shall be *prima facie* evidence of the liability of the persons named therein to be contributories,
- (vii) when several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined by the company at the time of their appointment, or in default of such determination by any number not less than two,
- (viii) if from any cause whatever there is no liquidator acting, the Court may, on the application of a contributory, appoint a liquidator, and
- (ix) the Court may, on cause shown, remove a liquidator, and appoint another liquidator

208. (1) The liquidator in a voluntary winding up shall, within twenty-one days after his appointment, file with the registrar a notice of his appointment in the form prescribed.
Notice by liquidator of his appointment

(2) If the liquidator fails to comply with the requirements of this section, he shall be liable to a fine not exceeding fifty rupees for every day during which the default continues

209 (1) Every liquidator appointed by a company in a voluntary winding up shall, within seven days from his appointment, send notice by post to all persons who appear to him to be creditors of the company that a meeting of the creditors of the company will be held on a date, not being less than twenty-one days nor more than one month after his appointment and at a place and hour, to be specified in the notice, and shall also advertise notice of the meeting once in the local official Gazette and once at least in some newspaper (if any) circulating in the district where the registered office or principal place of business of the company was situate
Rights of creditors in voluntary winding up

(2) At the meeting to be held in pursuance of the foregoing provisions of this section the credi-

*The Indian Companies Act, 1913.**(Part V—Winding up—Sections 210-214)*

tors shall determine whether an application shall be made to the Court for the appointment of any person as liquidator in the place of, or jointly with, the liquidator appointed by the company, and, if the creditors so resolve, an application may be made accordingly to the Court at any time not later than fourteen days after the date of the meeting, by any creditor appointed for the purpose at the meeting.

Provided that the Court may, by order at any time, extend the time for making an application under this sub-section for such period as the Court thinks proper.

(3) On any such application the Court may make an order either for the removal of the liquidator appointed by the company and for the appointment of some other person as liquidator or for the appointment of some other person to act as liquidator jointly with the liquidator appointed by the company, or such other order as, having regard to the interests of the creditors and contributories of the company, may seem just.

(4) The Court shall make such order as to the costs of the application as it may think fit, and, if it is of opinion that, having regard to the interests of the creditors in the liquidation, there were reasonable grounds for the application, may order the costs of the application to be paid out of the assets of the company, notwithstanding that the application is dismissed or otherwise disposed of adversely to the applicant.

210 (1) If a vacancy occurs by death, resignation or otherwise in the office of liquidator appointed by the company in a voluntary winding up, the company in general meeting may, subject to any arrangement with its creditors, fill the vacancy.

(2) For that purpose a general meeting may be called by any contributory or, if there were more liquidators than one, by the continuing liquidators.

(3) The meeting shall be held in manner prescribed by the articles, or in such manner as may, on application by any contributory or by the continuing liquidators, be determined by the Court.

211. (1) A company about to be, or in course of being, wound up voluntarily may, by extraordinary resolution, delegate to its creditors, or to any committee of them, the power of appointing liquidators or any of them, and of supplying vacancies among the liquidators, or enter into any arrangement with respect to the powers to be exercised by the liquidators, and the manner in which they are to be exercised.

(2) Any act done by creditors in pursuance of any such delegated power shall have the same effect as if it had been done by the company.

212. (1) Any arrangement entered into between a company about to be, or in the course of being, wound up voluntarily and its creditors shall, subject to any right of appeal under this section, be binding on the company if sanctioned by an extraordinary resolution, and on the creditors if assented to by three-fourths in number and value of the creditors.

(2) Any creditor or contributory may, within three weeks from the completion of the arrangement, appeal to the Court against it, and the Court may thereupon, as it thinks just, amend, vary or confirm the arrangement.

213. (1) Where a company is proposed to be, or is in course of being, wound up altogether voluntarily, and the whole or part of its business or property is proposed to be transferred or sold to another company (in this section called the transferee company) the liquidator of the first-mentioned company (in this section called the transferor company) may, with the sanction of a special resolution of that company conferring either a general authority on the liquidator or an authority in respect of any particular arrangement, receive, in compensation or part compensation for the transfer or sale, shares, policies or other like interests in the transferee company, for distribution among the members of the transferor company, or may enter into any other arrangement whereby the members of the transferor company may, in lieu of receiving cash, shares, policies or other like interests, or in addition thereto, participate in the profits of, or receive any other benefit from, the transferee company.

(2) Any sale or arrangement in pursuance of this section shall be binding on the members of the transferor company.

(3) If any member of the transferor company who did not vote in favour of the special resolution at either of the meetings held for passing and confirming the same expresses his dissent therefrom in writing addressed to the liquidator, and left at the registered office of the company within seven days after the confirmation of the special resolution, he may require the liquidator either to abstain from carrying the resolution into effect, or to purchase his interest at a price to be determined by agreement or by arbitration in manner hereinafter provided.

(4) If the liquidator elects to purchase the member's interest, the purchase-money must be paid before the company is dissolved, and be raised by the liquidator in such manner as may be determined by special resolution.

(5) A special resolution shall not be invalid for the purposes of this section by reason that it is passed before or concurrently with a resolution for winding up the company, or for appointing liquidators, but if an order is made within a year for winding up the company by or subject to the supervision of the Court, the special resolution shall not be valid unless sanctioned by the Court.

214 (1) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration.

(2) The provisions of the Indian Arbitration Act, 1899, other than those restricting the application of the Act in respect of the subject-matter of the arbitration, shall apply to all arbitrations in pursuance of this section.

*The Indians Companies Act, 1911.**(Part V.—Winding up—Sections 215-224.)*

215. (1) Where a company is being wound up voluntarily, the liquidator or any contributory or creditor may apply to the Court to determine any question arising in the winding up, or to exercise as respects the enforcing of calls, or any other matters, all or any of the powers which the Court might exercise if the company were being wound up by the Court.

(2) The Court, if satisfied that the determination of the question or the required exercise of power will be just and beneficial, may accede wholly or partially to the application on such terms and conditions as the Court thinks fit, or may make such other order on the application as the Court thinks just.

216. (1) Where a company is being wound up voluntarily, the liquidator may, from time to time, summon general meetings of the company for the purpose of obtaining the sanction of the company by special or extraordinary resolution, or for any other purposes he may think fit.

(2) In the event of the winding up continuing for more than one year, the liquidator shall summon a general meeting of the company at the end of the first year from the commencement of the winding up, and of each succeeding year, or as soon thereafter as may be convenient, and shall lay before the meeting a statement in the prescribed form containing the prescribed particulars with respect to the proceedings in and the position of the liquidation.

217 (1) In the case of every voluntary winding up, as soon as the affairs of the company are fully wound up, the liquidator shall make up an account of the winding up, showing how the winding up has been conducted and the property of the company has been disposed of, and thereupon shall call a general meeting of the company for the purpose of laying before it the account, and giving any explanation thereof.

(2) The meeting shall be called by advertisement, specifying the time, place and object thereof, and published one month at least before the meeting in the manner specified in section 206.

(3) Within one week after the meeting, the liquidator shall file with the registrar a return of the holding of the meeting, and of its date, and in default of so doing, shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

(4) The registrar on the filing of the return shall forthwith register it, and, on the expiration of three months from the registration of the return, the company shall be deemed to be dissolved.

Provided that the Court may, on the application of the liquidator or of any other person who appears to the Court to be interested, make an order deferring the date at which the dissolution of the company is to take effect for such time as the Court thinks fit.

(5) It shall be the duty of the person on whose application an order of the Court under sub-section (4) is made, within twenty-one days after the making of the order, to file with the registrar a certified

copy of the order, and if that person fails so to do, he shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

218. All costs, charges and expenses properly incurred in the voluntary winding up of a company including the remuneration of the liquidator, shall be payable out of the assets of the company in priority to all other claims at the date of the winding up.

219. The voluntary winding up of a company shall not bar the right of any creditor or contributory to have it wound up by the Court, if the Court is of opinion, in the case of an application by a creditor that the rights of the creditor or, in the case of an application by a contributory, that the rights of the contributories will be prejudiced by a voluntary winding up.

220 Where a company is being wound up voluntarily, and an order is made for winding up by the Court, the Court may, if it thinks fit, by the same or any subsequent order, provide for the adoption of all or any of the proceedings in the voluntary winding up.

Winding up subject to supervision of Court

221. When a company has by special or extraordinary resolution resolved to wind up voluntarily, the Court may make an order that the voluntary winding up shall continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally on such terms and conditions as the Court thinks just.

222. A petition for the continuance of a voluntary winding up subject to the supervision of the Court shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up by the Court.

223. The Court may, in deciding between a winding up by the Court and a winding up subject to supervision, in the appointment of liquidators, and in all other matters relating to the winding up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence.

224. (1) Where an order is made for a winding up subject to supervision, the Court may by the same or any subsequent order appoint any additional liquidator.

(2) A liquidator appointed by the Court under this section shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if he had been appointed by the company.

(3) The Court may remove any liquidator so appointed by the Court or any liquidator continued under the supervision order, and fill any vacancy occasioned by the removal, or by death or resignation.

*The Indians Companies Act, 1913.**(Part V—Winding up.—Sections 215-224)*

215. (1) Where a company is being wound up Power to apply to Court voluntarily, the liquidator or any contributory or creditor may apply to the Court to determine any question arising in the winding up, or to exercise as respects the enforcing of calls, or any other matters, all or any of the powers which the Court might exercise if the company were being wound up by the Court.

(2) The Court, if satisfied that the determination of the question or the required exercise of power will be just and beneficial, may accede wholly or partially to the application on such terms and conditions as the Court thinks fit, or may make such other order on the application as the Court thinks just.

216. (1) Where a company is being wound up Power of liquidator to call general meeting voluntarily, the liquidator may, from time to time, summon general meetings of the company for the purpose of obtaining the sanction of the company by special or extraordinary resolution, or for any other purposes he may think fit.

(2) In the event of the winding up continuing for more than one year, the liquidator shall summon a general meeting of the company at the end of the first year from the commencement of the winding up, and of each succeeding year, or as soon thereafter as may be convenient, and shall lay before the meeting a statement in the prescribed form containing the prescribed particulars with respect to the proceedings in and the position of the liquidation.

217 (1) In the case of every voluntary winding up, as soon as the Final meeting and dissolution affairs of the company are fully wound up, the liquidator shall make up an account of the winding up, showing how the winding up has been conducted and the property of the company has been disposed of, and thereupon shall call a general meeting of the company for the purpose of laying before it the account, and giving any explanation thereof.

(2) The meeting shall be called by advertisement, specifying the time, place and object thereof, and published one month at least before the meeting in the manner specified in section 206.

(3) Within one week after the meeting, the liquidator shall file with the registrar a return of the holding of the meeting, and of its date, and in default of so doing, shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

(4) The registrar on the filing of the return shall forthwith register it, and, on the expiration of three months from the registration of the return, the company shall be deemed to be dissolved.

Provided that the Court may, on the application of the liquidator or of any other person who appears to the Court to be interested, make an order deferring the date at which the dissolution of the company is to take effect for such time as the Court thinks fit.

(5) It shall be the duty of the person on whose application an order of the Court under sub-section (4) is made, within twenty-one days after the making of the order, to file with the registrar a certified

copy of the order, and if that person fails so to do, he shall be liable to a fine not exceeding fifty rupees for every day during which the default continues.

218. All costs, charges and expenses properly incurred in the voluntary winding up of a company including the remuneration of the liquidator, shall be payable out of the assets of the company in priority to all other claims at the date of the winding up.

219. The voluntary winding up of a company shall not bar the right of creditors and contributories any creditor or contributory to have it wound up by the Court, if the Court is of opinion, in the case of an application by a creditor, that the rights of the creditor or, in the case of an application by a contributory, that the rights of the contributories will be prejudiced by a voluntary winding up.

220 Where a company is being wound up Power of Court to adopt proceedings in voluntary winding up voluntarily, and an order is made for winding up by the Court, the Court may, if it thinks fit, by the same or any subsequent order, provide for the adoption of all or any of the proceedings in the voluntary winding up.

Winding up subject to supervision of Court.

221 When a company has by special or Power to order winding up subject to supervision extraordinary resolution resolved to wind up voluntarily, the Court may make an order that the voluntary winding up shall continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally on such terms and conditions as the Court thinks just.

222. A petition for the continuance of a voluntary winding up subject to the supervision of the Court shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up by the Court.

223. The Court may, in deciding between a winding up by the Court and a winding up subject to supervision, in the appointment of liquidators, and in all other matters relating to the winding up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence.

224. (1) Where an order is made for a winding up subject to supervision, the Court may by the same or any subsequent order appoint any additional liquidator.

(2) A liquidator appointed by the Court under this section shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if he had been appointed by the company.

(3) The Court may remove any liquidator so appointed by the Court or any liquidator continued under the supervision order, and fill any vacancy occasioned by the removal, or by death or resignation.

*The Indian Companies Act, 1913**(Part V—Winding up—Sections 225-230)*

225. (1) Where an order is made for a winding up subject to supervision, the liquidator may, subject to any restrictions imposed by the Court, exercise all his powers, without the sanction or intervention of the Court, in the same manner as if the company were being wound up altogether voluntarily.

(2) Except as provided in sub-section (1), and save for the purposes of section 196, any order made by the Court for a winding up subject to the supervision of the Court shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the company altogether by the Court.

(3) In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the official liquidator, the expression "official liquidator" shall be deemed to mean the liquidator conducting the winding up subject to the supervision of the Court.

226. Where an order has been made for the winding up of a company subject to supervision, and an order is afterwards made for winding up by the Court, the Court may, by the last-mentioned order or by any subsequent order, appoint the voluntary liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other person, to be official liquidator in the winding up by the Court.

Supplemental Provisions

227. (1) In the case of voluntary winding up every transfer of shares, debentures, or other securities, except transfers made to or with the sanction of the liquidator, and every alteration in the status of the members of the company made after the commencement of the winding up shall be void.

(2) In the case of a winding up by or subject to the supervision of the Court, every disposition of the property (including actionable claims) of the company, and every transfer of shares, or alteration in the status of its members, made after the commencement of the winding up shall, unless the Court otherwise orders, be void.

228. In every winding up (subject in the case of insolvent companies to the provisions of this Act of the law of insolvency) all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, shall be admissible to proof against the company, a just estimate being made, so far as possible, of the value of such debts and claims as may be subject to any contingency or on some other reason do not bear a certain value.

229. In the winding up of an insolvent company the same rules shall prevail and be observed with regard to the respective rights of secured and un-

secured creditors and to debts provable and to the valuation of annuities and future and contingent liabilities as are in force for the time being under the law of insolvency with respect to the estates of persons adjudged insolvent, and all persons who in any such case would be entitled to prove for and receive dividends out of the assets of the company may come in under the winding up, and make such claims against the company as they respectively are entitled to by virtue of this section.

230. (1) In a winding up there shall be paid in priority to all other debts—

- (a) all revenue, taxes, cesses and rates, whether payable to the Crown or to a local authority, due from the company at the date hereinafter mentioned and having become due and payable within the twelve months next before that date,
- (b) all wages or salary of any clerk or servant in respect of service rendered to the company within the two months next before the said date, not exceeding one thousand rupees for each clerk or servant, and
- (c) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the company within the two months next before the said date.

(2) The foregoing debts shall—

- (a) rank equally among themselves and be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportion, and
 - (b) so far as the assets of the company available for payment of general creditors are insufficient to meet them, have priority over the claims of holders of debentures under any floating charge created by the company, and be paid accordingly out of any property comprised in or subject to that charge.
- (3) Subject to the retention of such sums as may be necessary for the costs and expenses of the winding up, the foregoing debts shall be discharged forthwith so far as the assets are sufficient to meet them.

(4) In the event of a landlord or other person distraining or having distrained on any goods or effects of the company within three months next before the date of a winding up order, the debts to which priority is given by this section shall be a first charge on the goods or effects so distrained on, or the proceeds of the sale thereof.

Provided that in respect of any money paid under any such charge the landlord or other person shall have the same rights of priority as the person to whom the payment is made.

(5) The date hereinafter in this section referred to is—

- (a) in the case of a company ordered to be wound up compulsorily which had not previously commenced to be wound up voluntarily, the date of the winding up order, and

*The Indian Companies Act, 1913**(Part V—Winding up.—Sections 231-237)*

(b) in any other case, the date of the commencement of the winding up

231 (1) Any transfer, delivery of goods, payment, execution or other act relating to property which would, if made or done by or against an individual, be deemed in his insolvency a fraudulent preference, shall, if made or done by or against a company, be deemed, in the event of its being wound up, a fraudulent preference of its creditors, and be invalid accordingly

(2) For the purposes of this section the presentation of a petition for winding up in the case of a winding up by or subject to the supervision of the Court, and a resolution for winding up in the case of a voluntary winding up, shall be deemed to correspond with the act of insolvency in the case of an individual

(3) Any transfer or assignment by a company of all its property to trustees for the benefit of all its creditors shall be void

232 (1) Where any company is being wound up by or subject to the supervision of the Court, any attachment, distress or execution put in force without leave of the Court against the estate or effects of the company after the commencement of the winding up shall be void

(2) Nothing in this section applies to proceedings by the Government

233 Where a company is being wound up by or subject to the supervision of the Court, a floating charge on the undertaking or property of the company created within three months of the commencement of the winding up shall, unless it is proved that the company immediately after the creation of the charge was solvent, be invalid except to the amount of any cash paid to the company at the time of, or subsequently to the creation of, and in consideration for, the charge, together with interest on that amount at the rate of five per cent per annum

234 (1) The liquidator may, with the sanction of the Court, do any act which the company is being wound up by or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the company in the case of a voluntary winding up, do the following things or any of them—

- (i) pay any classes of creditors in full,
- (ii) make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, whereby the company may be rendered liable,
- (iii) compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent subsisting or supposed to subsist between the company and a contributory or alleged contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of

the winding up of the company, on such terms as may be agreed, and take any security for the discharge of any such call, debt, liability or claim, and give a complete discharge in respect thereof

(2) The exercise by the liquidator of the powers of this section shall be subject to the control of the Court, and any creditor or contributory may apply to the Court with respect to any exercise or proposed exercise of any of these powers

235. (1) Where, in the course of winding up of a company, it appears that any person who has taken part in the formation or promotion of the company, or any past or present director, manager or liquidator, or any officer of the company, has misapplied or retained or become liable or accountable for any money or property of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the Court may, on the application of the liquidator, or of any creditor or contributory, examine into the conduct of the promoter, director, manager, liquidator or officer, and compel him to repay or restore the money or property or any part thereof respectively with interest at such rate as the Court thinks just, or to contribute such sum to the assets of the company by way of compensation in respect of the misapplication, retention, misfeasance or breach of trust as the Court thinks just

(2) This section shall apply notwithstanding that the offence is one for which the offender may be criminally responsible

(3) The Indian Limitation Act, 1908, shall apply to an application under this section as if such application were a suit

236. If any director, manager, officer or contributory of any company being wound up destroys, mutilates, alters or falsifies or fraudulently secretes any books, papers or securities, or makes, or is privy to the making of, any false or fraudulent entry in any register book of account or document belonging to the company with intent to defraud or deceive any person, he shall be liable to imprisonment for a term which may extend to seven years, and shall also be liable to fine

237. (1) If it appears to the Court in the course of a winding up by or subject to the supervision of the Court that any past or present director, manager, officer or member of the company has been guilty of any offence in relation to the company for which he is criminally responsible, the Court may, on the application of any person interested in the winding up, or of its own motion, direct the official liquidator or the liquidator (as the case may be) to prosecute for the offence, and may order the costs and expenses to be paid out of the assets of the company

(2) If it appears to the liquidator in the course of a voluntary winding up that any past or present director, manager, officer or member of the company has been guilty of any offence in relation to the company for which he is criminally responsible, the liquidator, with the previous sanction of the Court, may prosecute the offender, and all expenses properly incurred by him in the prosecution shall be payable out of the assets of the company in priority to all other liabilities.

*The Indian Companies Act, 1913**(Part V—Winding up.—Sections 238-246)*

238. If any person, upon any examination upon oath authorised under this Act, or in any affidavit, deposition or solemn affirmation, in or about the winding up of any company under this Act, or otherwise in or about any matter arising under this Act, intentionally gives false evidence, he shall be liable to imprisonment for a term which may extend to seven years, and shall also be liable to fine

239. (1) Where by this Act the Court is authorised to ascertain the wishes of creditors or contributories, as proved to it by any sufficient evidence, the Court may, if it thinks fit for the purpose of ascertaining those wishes, direct meetings of the creditors or contributories to be called, held and conducted in such manner as the Court directs, and may appoint a person to act as chairman of any such meeting and to report the result thereof to the Court

(2) In the case of creditors, regard shall be had to the value of each creditor's debt

(3) In the case of contributories, regard shall be had to the number of votes conferred on each contributory by the articles

240. Where any company is being wound up, all documents of the company and of the liquidators shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded

241. After an order for a winding up by or subject to the supervision of the Court, the Court may make such order for inspection by creditors and contributories of the company of its documents as the Court thinks just, and any documents in the possession of the company may be inspected by creditors or contributories accordingly, but not further or otherwise

242. (1) When a company has been wound up and is about to be dissolved, the documents of the company and of the liquidators may be disposed of as follows (that is to say) :—

(a) in the case of a winding up by or subject to the supervision of the Court, in such way as the Court directs ;

(b) in the case of a voluntary winding up, in such way as the company by extraordinary resolution directs

(2) After three years from the dissolution of the company, no responsibility shall rest on the company or the liquidators, or any person to whom the custody of the documents has been committed, by reason of the same not being forthcoming to any person claiming to be interested therein

243. (1) Where a company has been dissolved, the Power of Court to make rules of Court may, at any time within two years of the date of the dissolution, on an application being made for the purpose by the liquidator of the company or by any other person who appears to the Court to be interested,

make an order, upon such terms as the Court thinks fit, declaring the dissolution to have been void, and thereupon such proceedings may be taken as might have been taken if the company had not been dissolved

(2) It shall be the duty of the person on whose application the order was made, within twenty-one days after the making of the order, to file with the registrar a certified copy of the order, and if that person fails so to do, he shall be liable to a fine not exceeding fifty rupees for every day during which the default continues

244. (1) Where a company is being wound up, Information as to pending liquidations concluded within one year after its commencement, the liquidator shall, at such intervals as may be prescribed, until the winding up is concluded, file with the registrar a statement in the prescribed form and containing the prescribed particulars with respect to the proceedings in and position of the liquidation.

(2) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled, by himself or by his agent, at all reasonable times, on payment of the prescribed fee, to inspect the statement, and to receive a copy thereof or extract therefrom, but any person untruthfully so stating himself to be a creditor or contributory shall be deemed to be guilty of an offence under section 182 of the Indian Penal Code, and shall be punishable accordingly on the application of the liquidator

(3) If a liquidator fails to comply with the requirements of this section, he shall be liable to a fine not exceeding five hundred rupees for each day during which the default continues

245. (1) Any affidavit required to be sworn under the provisions of or for the purposes of this Part may be sworn in British India, or elsewhere within the dominions of His Majesty, before any Court, Judge or person lawfully authorised to take and receive affidavits, or in any part of India other than British India before any Court authorised or continued by the Governor General in Council, or in any place outside His Majesty's dominions before any of His Majesty's Consuls or Vice-Consuls

(2) All Courts, Judges, Justices, Commissioners and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul, attached, appended or subscribed to any such affidavit, or to any other document to be used for the purposes of this Part

Rules

246. (1) The High Court may, from time to time, make rules consistent with this Act and with the Code of Civil Procedure, 1908, concerning the mode of proceedings to be had for winding up a company in such Court and in the Courts subordinate thereto, and for giving effect to the provisions hereinafter contained as to the reduction

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*The Indian Companies Act, 1913.**(Part V—Winding up—Section 247. Part VI.—Registration Office and Fees—Section 248.)*

of the capital and the sub-division of the shares of a company

(2) Without prejudice to the generality of the foregoing power, the High Court may by such rules enable or require all or any of the powers and duties conferred and imposed on the Court by this Act, in respect of the matters following, to be exercised or performed by the official liquidator, and subject to the control of the Court, that is to say, the powers and duties of the Court in respect of—

- (a) holding and conducting meetings to ascertain the wishes of creditors and contributories,
- (b) settling lists of contributories and rectifying the register of members where required, and collecting and applying the assets;
- (c) requiring delivery of property or documents to the liquidator,
- (d) making calls,
- (e) fixing a time within which debts and claims must be proved.

Provided that the official liquidator shall not, without the special leave of the Court, rectify the register of members, and shall not make any call without the special leave of the Court

Removal of defunct Companies from Register

247 (1) Where the registrar has reasonable cause to believe that a company is not carrying on business or in operation, he shall send to the company by post a letter inquiring whether the company is carrying on business or in operation

(2) If the registrar does not within one month of sending the letter receive any answer thereto, he shall within fourteen days after the expiration of the month send to the company by post a registered letter referring to the first letter, and stating that no answer thereto has been received and that, if an answer is not received to the second letter within one month from the date thereof, a notice will be published in the local official Gazette with a view to striking the name of the company off the register

(3) If the registrar either receives an answer from the company to the effect that it is not carrying on business or in operation, or does not within one month after sending the second letter receive any answer, he may publish in the local official Gazette, and send to the company by post a notice that, at the expiration of three months from the date of that notice, the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved

(4) If, in any case where a company is being wound up, the registrar has reasonable cause to believe either that no liquidator is acting or that the affairs of the company are fully wound up, and the returns required to be made by the liquidator have not been made for a period of six consecutive months after notice by the registrar demanding the returns has been sent by post to the company, he may strike the name of the company off the register and the company will be dissolved

business, the registrar may publish in the local official Gazette and send to the company a like notice as is provided in the last preceding subsection

(5) At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is previously shown by the company, strike its name off the register, and shall publish notice thereof in the local official Gazette, and, on the publication in the local official Gazette of this notice, the company shall be dissolved. Provided that the liability (if any) of every director and member of the company shall continue and may be enforced as if the company had not been dissolved

(6) If a company or any member or creditor thereof feels aggrieved by the company having been struck off the register, the Court, on the application of the company or member or creditor, may, if satisfied that the company was at the time of the striking off carrying on business or in operation, or otherwise that it is just that the company be restored to the register, order the name of the company to be restored to the register, and thereupon the company shall be deemed to have continued in existence as if its name had not been struck off, and the Court may by the order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off

(7) A letter or notice under this section may be addressed to the company at its registered office, or, if no office has been registered, to the care of some director, manager or other officer of the company, or, if there is no director, manager or other officer of the company whose name and address are known to the registrar, may be sent to each of the persons who subscribed the memorandum, addressed to him at the address mentioned in the memorandum

PART VI

REGISTRATION OFFICE AND FEES

248. (1) For the purposes of the registration of companies under this Act, there shall be offices at such places as the Local Government thinks fit, and no company shall be registered except at an office within the province in which, by the memorandum, the registered office of the company is declared to be established

(2) The Local Government may appoint such registrars and assistant registrars as it thinks necessary for the registration of companies under this Act, and may make regulations with respect to their duties

(3) The salaries of the persons appointed under this section shall be fixed by the Local Government

(4) The Local Government may direct a seal or seals to be prepared for the authentication of documents required for or connected with the registration of companies.

The Indian Companies Act, 1913.

(Part VI—Registration Office and Fees.—Section 249) Part VII—Application of Act to Companies formed and registered under former Companies Acts—Sections 250-253 Part VIII—Companies authorised to register under this Act—Section 253)

(5) Any person may inspect the documents kept by the registrar on payment of such fees as may be appointed by the Local Government, not exceeding one rupee for each inspection, and any person may require a certificate of the incorporation of any company, or a copy or extract of any other document or any part of any other document, to be certified by the registrar on payment for the certificate, certified copy or extract, of such fees as the Local Government may appoint, not exceeding three rupees for a certificate of incorporation, and not exceeding six annas for every hundred words or fractional part thereof required to be copied.

(6) Whenever any act is by this Act directed to be done to or by the registrar it shall, until the Local Government otherwise directs, be done to or by the existing registrar of joint-stock companies or in his absence to or by such person as the Local Government may for the time being authorise, but, in the event of the Local Government altering the constitution of the existing registry offices or any of them, any such act shall be done to or by such officer and at such place with reference to the local situation of the registered offices of the companies to be registered as the Local Government may appoint.

249. (1) There shall be paid to the registrar in respect of the several fees matters mentioned in Table B in the First Schedule the several fees therein specified, or such smaller fees as the Governor General in Council may direct.

(2) All fees paid to the registrar in pursuance of this Act shall be accounted for to the Crown.

PART VII.

APPLICATION OF ACT TO COMPANIES FORMED AND REGISTERED UNDER FORMER COMPANIES ACTS

250. In the application of this Act to existing companies, it shall apply to companies formed under in the same manner in former Companies Acts the case of a limited company, other than a company limited by guarantee, as if the company had been formed and registered under this Act as a company limited by shares; in the case of a company limited by guarantee as if the company had been formed and registered under this Act as a company limited by guarantee, and, in the case of a company other than a limited company, as if the company had been formed and registered under this Act as an unlimited company.

Provided that—

(1) nothing in Table A in the First Schedule shall apply to a company formed and registered under Act XIX of 1857 and Act VII of 1860, or either of them, or under the Indian Companies Act, 1882,

(2) reference, express or implied, to the date of registration shall be construed as a reference to the date at which the company was registered under Act No XIX of 1857 and Act No VII of 1860, or either of them, or under the Indian Companies Act, 1882, or the Indian Companies Act, 1882, as the case may be.

251. This Act shall apply to every company

registered but not formed under Act No XIX of 1857 and Act No VII of 1860 or either of them, or under the Indian Companies Act, 1882, or the Indian Companies Act, 1882, in the same manner as it is hereinafter in this Act declared to apply to companies registered but not formed under this Act.

Provided that reference, express or implied, to the date of registration shall be construed as a reference to the date at which the company was registered under the said Acts or any of them.

252. A company registered under Act XIX of 1857 and Act VII of 1860 or either of them may cause its shares to be transferred in the manner hitherto in use, or in such other manner as the company may direct.

PART VIII

COMPANIES AUTHORISED TO REGISTER UNDER THIS ACT.

253. (1) With the exceptions and subject to the provisions mentioned in the provisions mentioned in this section, Companies capable of being registered and contained in this section,—

(i) any company consisting of seven or more members, which was in existence on the first day of May eighteen hundred and eighty-two, including any company registered under Act No XIX of 1857 and Act No VII of 1860 or either of them, and

(ii) any company formed after the date aforesaid, whether before or after the commencement of this Act, in pursuance of any Act of Parliament or Act of the Governor General in Council other than this Act, or of Letters Patent, or being otherwise duly constituted according to law, and consisting of seven or more members,

may at any time register under this Act as an unlimited company or as a company limited by shares, or as a company limited by guarantee, and the registration shall not be invalid by reason that it has taken place with a view to the company being wound up.

(2) Provided as follows—

(a) a company having the liability of its members limited by Act of Parliament or Act of the Governor General in Council or by Letters Patent, and not being a joint-stock company as herein-after defined, shall not register in pursuance of this section,

(b) a company having the liability of its members limited by Act of Parliament or Act of the Governor General in Council or by Letters Patent shall not register in pursuance of this section as an unlimited company or as a company limited by guarantee,

*The Indian Companies Act, 1913**(Part VIII—Companies authorised to register under this Act—Sections 254-259)*

- (a) a company that is not a joint-stock company as hereinafter defined shall not register in pursuance of this section as a company limited by shares,
- (d) a company shall not register in pursuance of this section without the assent of a majority of such of its members as are present in person or by proxy (in cases where proxies are allowed by the articles) at a general meeting summoned for the purpose,
- (e) where a company not having the liability of its members limited by Act of Parliament or Act of the Governor General in Council or by Letters Patent is about to register as a limited company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present in person or by proxy at the meeting,
- (f) where a company is about to register as a company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the company, in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceased to be a member, and of the costs and expenses of winding up, and for the adjustment of the rights of the contributors among themselves such amount as may be required not exceeding a specified amount

(3) In computing any majority under this section when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the articles

(4) A company registered under the Indian Companies Act, 1882, shall not be registered in pursuance of this section

254 For the purposes of this Part as far as relates to registration of companies as companies limited by shares, a joint-stock company means a company having a permanent paid-up or nominal share capital of fixed amount divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of those shares or that stock, and no other persons, and such a company, when registered with limited liability under this Act, shall be deemed to be a company limited by shares

255 Before the registration in pursuance of this Part of a joint-stock company there shall be delivered to the registrar the following documents (that is to say) —

- (1) a list showing the names, addresses and occupations of all persons who on a day named in the list, not being more than six clear days before the day of registra-

tion, were members of the company, with the addition of the shares or stock held by them respectively, distinguishing, in cases where the shares are numbered, each share by its number,

- (2) a copy of any Act of Parliament, Act of the Governor General in Council, Royal Charter, Letters Patent, deed of settlement, contract of co-partnership or other instrument constituting or regulating the company, and
- (3) if the company is intended to be registered as a limited company, a statement specifying the following particulars (that is to say) —
- (a) the nominal share capital of the company and the number of shares into which it is divided or the amount of stock of which it consists,
- (b) the number of shares taken and the amount paid on each share,
- (c) the name of the company, with the addition of the word "Limited" as the last word thereof, and
- (4) in the case of a company intended to be registered as a company limited by guarantee, the resolution declaring the amount of the guarantee

256 Before the registration in pursuance of this Part of a joint-stock company, there shall be delivered to the registrar —

- (1) a list showing the names, addresses and occupations of the directors of the company, and
- (2) a copy of any Act of Parliament, Act of the Governor General in Council, Letters Patent, deed of settlement, contract of co-partnership or other instrument constituting or regulating the company, and
- (3) in the case of a company intended to be registered as a company limited by guarantee, a copy of the resolution declaring the amount of the guarantee.

257 The lists of members and directors and any other particulars relating to the company required to be delivered to the registrar shall be duly verified by a declaration of any two or more directors or other principal officers of the company

258 The registrar may require as he thinks necessary for the purpose of satisfying himself whether any company proposing to be registered is or is not a joint-stock company as hereinbefore defined.

259 (1) Where a banking company, which was in existence on the first day of May eighteen hundred and eighty-two proposes to register as a limited company, it shall at least thirty days before so registering, give

Authentication of statement of existing companies

Registrar may require evidence as to nature of company

On registration of banking company with limited liability, notice to be given to customers

*The Indian Companies Act, 1913.**(Part VIII.—Companies authorised to register under this Act.—Sections 260-266.)*

notice of its intention so to register to every person who has a banking account with the company, either by delivery of the notice to him, or by posting it to him at, or delivering it at, his last known address

(2) If the company omits to give the notice required by this section, then as between the company and the person for the time being interested in the account in respect of which the notice ought to have been given, and so far as respects the account down to the time at which notice is given, but not further or otherwise, the certificate of registration with limited liability shall have no operation

260 No fees shall be charged in respect of the exemption of certain registration in pursuance of companies from payment of this Part of a company if it is not registered as a limited company, or if before its registration as a limited company the liability of the shareholders was limited by some Act of Parliament or Act of the Governor General in Council or by Letters Patent

261. When a company registers in pursuance of Addition of "Limited" this Part with limited liability, the word "Limited" shall form and be registered as part of its name

262. On compliance with the requirements of this Part with respect to Certificate of registration, and on payment of such fees, if any, as are payable under Table B in the First Schedule, the registrar shall certify under his hand that the company applying for registration is incorporated as a company under this Act, and in the case of a limited company that it is limited, and thereupon the company shall be incorporated, and shall have perpetual succession and a common seal.

263. All property, moveable and immovable, Vesting of property on registration including all interests and rights in, to and out of property, moveable and immovable, and including obligations and actionable claims as may belong to or be vested in a company at the date of its registration in pursuance of this Part, shall, on registration, pass to and vest in the company as incorporated under this Act for all the estate and interest of the company therein

264. The registration of a company in pursuance of this Part shall not Saving of existing liabilities affect the rights or liabilities of the company in respect of any debt or obligation incurred or any contract entered into, by, to, with, or on behalf of, the company before registration

265. All suits and other legal proceedings Continuation of existing suits which at the time of the registration of a company in pursuance of this Part are pending by or against the company, or the public officer or any member thereof, may be continued in the same manner as if the registration had not taken place, nevertheless execution shall not issue against the effects of any individual member of the company on any decree or order obtained in any such suit or proceeding, but, in the event of the property and effects of the company being insufficient to satisfy the decree or order, an order may be obtained for winding up the company

266. When a company is registered in pursuance of this Part—
Effect of registration of this Part—
under Act

- (i) all provisions contained in any Act of Parliament, Act of the Governor General in Council, deed of settlement, contract of co-partnership, Letters Patent, or other instrument constituting or regulating the company, including, in the case of a company registered as a company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the company, in the same manner and with the same incidents as if so much thereof as would, if the company had been formed under this Act, have been required to be inserted in the memorandum, were contained in a registered memorandum, and the residue thereof were contained in registered articles,
- (ii) all the provisions of this Act shall apply to the company and the members, contributories and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject as follows (that is to say) —
 - (a) the regulations in Table A in the First Schedule shall not apply unless adopted by special resolution,
 - (b) the provisions of this Act relating to the numbering of shares shall not apply to any joint-stock company whose shares are not numbered,
 - (c) subject to the provisions of this section, the company shall not have power to alter any provision contained in any Act of Parliament or Act of the Governor General in Council relating to the company,
 - (d) subject to the provisions of this section, the company shall not have power, without the sanction of the Governor General in Council, to alter any provision contained in any Letters Patent relating to the company,
 - (e) the company shall not have power to alter any provision contained in a Royal Charter or Letters Patent with respect to the objects of the company;
 - (f) in the event of the company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the company contracted before registration, who is liable to pay or contribute to the payment of any debt or liability of the company contracted before registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members among themselves in respect of any such debt or liability, or to pay or contribute to the payment of the costs and expenses of winding up the company, so far as relates to such debts or liabilities as aforesaid; and every contributory shall be liable to contribute to the assets of the company, in the course of the winding up, all sums

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*(Part VIII.—Companies authorised to register under this Act — Sections 267-269.
Part IX — Winding up of Unregistered Companies — Sections 270-271.)*

due from him in respect of any such liability as aforesaid, and in the event of the death or insolvency of any contributory, the provisions of this Act with respect to the legal representatives and heirs of deceased contributories, and with reference to the assignees of insolvent contributories, shall apply,

(iii) the provisions of this Act with respect to—

- (a) the registration of an unlimited company as limited;
- (b) the powers of an unlimited company on registration as a limited company to increase the nominal amount of its share capital and to provide that a portion of its share capital shall not be capable of being called up except in the event of winding up;
- (c) the power of a limited company to determine that a portion of its share capital shall not be capable of being called up except in the event of winding up;

shall apply notwithstanding any provisions contained in any Act of Parliament, Act of the Governor General in Council, Royal Charter, deed of settlement, contract of co-partnership, Letters Patent or other instrument constituting or regulating the company,

- (iv) nothing in this section shall authorise the company to alter any such provisions contained in any deed of settlement, contract of co-partnership, Letters Patent or other instrument constituting or regulating the company, as would, if the company had originally been formed under this Act, have been required to be contained in the memorandum and are not authorised to be altered by this Act;
- (v) nothing in this Act shall derogate from any lawful power of altering its constitution or regulations which may by virtue of any Act of Parliament, Act of the Governor General in Council, deed of settlement, contract of co-partnership, Letters Patent or other instrument constituting or regulating the company, be vested in the company

267. (1) Subject to the provisions of this section, a company registered in pursuance of this Part may by special resolution alter the form of its constitution by substituting a memorandum and articles for a deed of settlement.

(2) The provisions of this Act with respect to confirmation by the Court and registration of an alteration of the objects of a company shall, so far as applicable, apply to an alteration under this section with the following modifications:—

- (a) there shall be substituted for the printed copy of the altered memorandum required to be filed with the registrar a printed copy of the substituted memorandum and articles, and,

- (b) on the registration of the alteration being certified by the registrar, the substituted memorandum and articles shall apply to the company in the same manner as if it were a company registered under this Act with that memorandum and those articles, and the company's deed of settlement shall cease to apply to the company.

(3) An alteration under this section may be made either with or without any alteration of the objects of the company under this Act.

(4) In this section the expression "deed of settlement" includes any contract of co-partnership or other instrument constituting or regulating the company, not being an Act of Parliament, an Act of the Governor General in Council, a Royal Charter or Letters Patent

268. The provisions of this Act with respect to staying and restraining suits and legal proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding up order shall, in the case of a company registered in pursuance of this Part, where the application to stay or restrain is by a creditor, extend to suits and legal proceedings against any contributory of the company

269. Where an order has been made for winding up a company registered in pursuance of this Part no suit or other legal proceeding shall be commenced or proceeded with against the company or any contributory of the company in respect of any debt of the company, except by leave of the Court, and subject to such terms as the Court may impose.

PART IX.

WINDING UP OF UNREGISTERED COMPANIES

270 For the purposes of this Part, the expression "unregistered company" shall not include a partnership or any company incorporated by Act of Parliament or by an Act of the Governor General in Council, nor a company registered under the Indian Companies Act, 1866, or under any Act repealed thereby, or under the Indian Companies Act, 1882, or under this Act, but, save as aforesaid, shall include any partnership, association or company consisting of more than seven members

271. (1) Subject to the provisions of this Part, any unregistered company may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to an unregistered company, with the following exceptions and additions:—

- (i) an unregistered company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding up, be deemed to be registered in the province where its principal place

*The Indian Companies Act, 1913**(Part IX.—Winding up of Unregistered Companies—Sections 271—275.)*

of business is situate or, if it has a principal place of business situate in more than one province, then in each province where it has a principal place of business, and the principal place of business situate in that province in which proceedings are being instituted shall, for all the purposes of the winding up, be deemed to be the registered office of the company,

(ii) no unregistered company shall be wound up under this Act voluntarily or subject to supervision,

(iii) the circumstances in which an unregistered company may be wound up are as follows (that is to say) —

(a) if the company is dissolved, or has ceased to carry on business or is carrying on business only for the purpose of winding up its affairs,

(b) if the company is unable to pay its debts,

(c) if the Court is of opinion that it is just and equitable that the company should be wound up,

(iv) an unregistered company shall, for the purposes of this Act, be deemed to be unable to pay its debts—

(a) if a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding five hundred rupees then due has served on the company, by leaving at its principal place of business, or by delivering to the secretary, or some director, manager or principal officer of the company, or by otherwise serving in such manner as the Court may approve or direct, a demand under his hand requiring the company to pay the sum so due, and the company has for three weeks after the service of the demand neglected to pay the sum, or to secure or compound for it to the satisfaction of the creditor,

(b) if any suit or other legal proceeding has been instituted against any member for any debt or demand due or claimed to be due, from the company or from him in his character of member, and notice in writing of the institution of the suit or other legal proceeding having been served on the company by leaving the same at its principal place of business or by delivering it to the secretary, or some director, manager or principal officer of the company or by otherwise serving the same in such manner as the Court may approve or direct, the company has not within ten days after service of the notice paid, secured or compounded for the debt or demand, or procured the suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable

satisfaction against the suit or other legal proceeding, and against all costs, damages and expenses to be incurred by him by reason of the same;

(c) if execution or other process issued on a decree or order obtained in any Court in favour of a creditor against the company, or any member thereof as such, or any person authorised to be sued as nominal defendant on behalf of the company, is returned unsatisfied, and

(d) if it is otherwise proved to the satisfaction of the Court that the company is unable to pay its debts

(2) Nothing in this Part shall affect the operation of any enactment which provides for any partnership, association or company being wound up, or being wound up as a company or as an unregistered company, under any enactment repealed by this Act, except that references in any such first-mentioned enactment to any such repealed enactment shall be read as references to the corresponding provision (if any) of this Act.

272. (1) In the event of an unregistered company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members among themselves, or to pay or contribute to the payment of the costs and expenses of winding up the company, and every contributory shall be liable to contribute to the assets of the company all sums due from him in respect of any such liability as aforesaid.

(2) In the event of any contributory, dying or being adjudged insolvent, the provisions of this Act with respect to the legal representatives and heirs of deceased contributories, and to the assignees of insolvent contributories shall apply.

273. The provisions of this Act with respect to Power to stay or re staying and restraining suits and legal proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding up order shall, in the case of an unregistered company, where the application to stay or restrain is by a creditor, extend to suits and legal proceedings against any contributory of the company.

274. Where an order has been made for winding up an unregistered company, no suit or other legal proceeding shall be proceeded with or commenced against any contributory of the company in respect of any debt of the company, except by leave of the Court, and subject to such terms as the Court may impose.

275. If an unregistered company has no power to sue and be sued in a certain case common name, or if for any reason it appears expedient, the Court may by the winding up order, or by any subsequent order, direct that all or any part of the property, move-

*The Indian Companies Act, 1913**(Part IX—Winding up of Unregistered Companies—Section 276 Part X—Companies established outside British India—Section 277.)*

File or immovable, including all interests and rights in, to and out of property, moveable and immovable, and including obligations and actionable claims as may belong to the company or to trustees on its behalf, is to vest in the official liquidator by his official name, and thereupon the property or the part thereof specified in the order shall vest accordingly, and the official liquidator may, after giving such indemnity (if any) as the Court may direct, bring or defend in his official name any suit or other legal proceeding relating to that property, or necessary to be brought or defended for the purposes of effectually winding up the company and recovering its property.

276. The provisions of this Part with respect to unregistered companies shall be in addition to, and not in restriction of, any provisions hereinbefore in this Act contained with respect to winding up companies by the Court, and the Court or official liquidator may exercise any powers or do any act in the case of unregistered companies which might be exercised or done by it or him in winding up companies formed and registered under this Act, but an unregistered company shall not, except in the event of its being wound up, be deemed to be a company under this Act, and then only to the extent provided by this Part.

PART X

COMPANIES ESTABLISHED OUTSIDE BRITISH INDIA

277. (1) Every company incorporated outside British India which at the commencement of this Act has a place of business in British India, and every such company which after the commencement of this Act establishes such a place of business within British India shall, within six months from the commencement of this Act or within one month from the establishment of such place of business, as the case may be, file with the registrar in the province in which such place of business is situated,—

- (a) a certified copy of the charter, statutes or memorandum and articles of the company, or other instrument constituting or defining the constitution of the company, and, if the instrument is not written in the English language, a certified translation thereof,
- (b) the full address of the registered or principal office of the company,
- (c) a list of the directors and managers (if any) of the company,
- (d) the names and addresses of some one or more persons resident in British India authorised to accept on behalf of the company service of process and any notices required to be served on the company,

and, in the event of any alteration being made in any such instrument or in such address or in the directors or managers or in the names or addresses of any such persons as aforesaid, the company shall, within the prescribed time, file with the registrar a notice of the alteration

(2) Any process or notice required to be served on the company shall be sufficiently served, if addressed to any person whose name has been so filed as aforesaid and left at or sent by post to the address which has been so filed.

(3) Every company to which this section applies shall in every year file with the registrar of the province in which the company has its principal place of business—

- (i) in a case where by the law, for the time being in force, of the country in which the company is incorporated such company is required to file with the public authority an annual balance-sheet,—a copy of that balance-sheet, or
- (ii) in a case where no such provision is made by the law, for the time being in force, of the country in which the company is incorporated,—such a statement in the form of a balance-sheet as such company would if it were a company formed and registered under this Act, be required to file in accordance with the provisions of this Act.

Provided that the Governor General in Council may, by notification in the Gazette of India subject to such restrictions and conditions, if any, as he may therein prescribe, exempt any such company or any class of such companies from this requirement.

(4) Every company to which this section applies and which uses the word "Limited" as part of its name, shall—

- (a) in every prospectus inviting subscriptions for its share or debentures in British India state the country in which the company is incorporated, and
- (b) conspicuously exhibit on every place where it carries on business in British India the name of the company and the country in which the company is incorporated in letters easily legible in English characters, and also, if any place where it carries on business is beyond the local limits of the ordinary original civil jurisdiction of a High Court, in the characters of one of the vernacular languages used in that place, and
- (c) have the name of the company and of the country in which the company is incorporated mentioned in legible English characters in all bill-heads and letter paper, and in all notices, advertisements and other official publications of the company.

(5) If any company to which this section applies fails to comply with any of the requirements of this section, the company, and every officer or agent of the company, shall be liable to a fine not exceeding five hundred rupees or, in the case of a continuing offence, fifty rupees for every day during which the default continues.

(6) For the purposes of this section—

- (a) the expression "certified" means certified in the prescribed manner to be a true copy or a correct translation;

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- (b) the expression "place of business" includes a share transfer or share registration office,
- (c) the expression "director" includes any person occupying the position of director, by whatever name called, and
- (d) the expression "prospectus" means any prospectus, notice, circular, advertisement or other invitation, offering to the public for subscription or purchase any shares or debentures of the company

(7) There shall be paid to the registrar for registering any document required by this section to be filed with him a fee of five rupees or such smaller fee as may be prescribed

PART XI.

SUPPLEMENTAL.

Legal proceedings, offences, etc

278. (1) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence against this Act

(2) If any offence which by this Act is declared to be punishable by fine only is committed by any person within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, such offence shall be punishable upon summary conviction by any Presidency Magistrate of the place at which such Court is held.

(3) Notwithstanding anything in the Code of Criminal Procedure, 1898, every offence against this Act shall, for the purposes of the said Code, be deemed to be non-cognizable

279. The Court imposing any fine under this Act may direct that the whole or any part thereof be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding of the person on whose information the fine is recovered

280. Where a limited company is plaintiff or petitioner in any suit or other legal proceeding, any Court having jurisdiction in the matter may, if it appears that there is reason to believe that the company will be unable to pay the costs of the defendant if successful in his defence, require sufficient security to be given for those costs, and may stay all proceedings until the security is given

281. If in any proceeding before any Court against a director of a company for negligence or breach of trust it appears to such Court that the director is or may be liable in respect of the negligence or breach of trust, but has acted honestly and reasonably, and ought fairly to be excused for the negligence or breach of trust, that Court may relieve him, either wholly or partly, from his liability on such terms as the Court may think proper

282. Whoever in any return, report, certificate balance-sheet or other document, required by or for the purposes of any of the provisions of this Act wilfully makes a statement false in any material particular, knowing it to be false, shall be punishable with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine

283. If any person or persons trade or carry on business under any name or title of which "Limited" is the last word, that person or those persons shall unless duly incorporated with limited liability, be liable to a fine not exceeding fifty rupees for every day upon which that name or title has been used.

284. The provisions of this Act with respect to saving of pending winding up shall not apply to any company of which the winding up has commenced before the commencement of this Act, but every such company shall be wound up in the same manner and with the same incidents as if this Act had not been passed, and, for the purposes of the winding up, the Indian Companies Act, VI of 1882, shall be deemed to remain in full force.

285. Every instrument of transfer or other document made before the commencement of this Act in pursuance of any enactment hereby repealed, shall be of the same force as if this Act had not been passed, and for the purposes of that instrument or document the repealed enactment shall be deemed to remain in full force

286. (1) The offices existing at the commencement of this Act for the registration of joint-stock companies shall be continued as if they had been established under this Act

(2) Registers of companies kept in any such existing offices shall respectively be deemed part of the registers of companies to be kept under this Act.

(3) The existing registrars, assistant registrars and officers in those offices shall, during the pleasure of the Local Government, hold the offices and receive the salaries hitherto held and received by them, but subject to any regulations of the Local Government with regard to the execution of their duties

287. Nothing in this Act shall affect the provisions of the Indian Life Assurance Companies Act, 1912, or of the Provident Insurance Societies Act, 1912

288. In sections 1 and 18 of Act No. XXI of 1860 (for the registration of Literary, Scientific and Charitable Societies), the words "registrar of joint-stock companies" shall be construed to mean the registrar under this Act

289. Save as provided in sections 188 and 189, nothing in this Act shall be deemed to apply to the Bank of Bengal, the Bank of Madras and the Bank of Bombay

*The Indian Companies Act, 1913.**(Part XI—Supplemental—Section 290—The First Schedule)*

290. (1) The enactments mentioned in the Fourth Schedule are hereby repealed to the extent specified in the fourth column thereof.

Repeal of Acts and Savings

Provided that the repeal shall not affect—

- (a) the incorporation of any company registered under any enactment hereby repealed, nor
- (b) Table B in the Schedule annexed to Act No XIX of 1887, or any part thereof, so far as the same applies to any company existing at the commencement of this Act, nor
- (c) Table A in the First Schedule annexed to the Indian Companies Act, 1882, or any part thereof so far as the same applies to any company existing at the commencement of this Act

(2) All fees directed, resolutions passed and other things duly done under any enactment hereby repealed, shall be deemed to have been directed, passed or done under this Act

(3) The mention of particular matters in this section or in any other section of this Act shall not prejudice the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals

VI of 186

X of 1907.

SCHEDULES.

THE FIRST SCHEDULE.

(See sections 2, 17, 18, 79, 266)

TABLE A

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES

Preliminary

1 In these regulations, unless the context otherwise requires, expressions defined in the Indian Companies Act, 1913, or any statutory modification thereof in force at the date at which these regulations become binding on the company, shall have the meanings so defined, and words importing the singular shall include the plural, and *vice versa*, and words importing the masculine gender shall include females, and words importing persons shall include bodies corporate

Business.

2 The directors shall have regard to the restrictions on the commencement of business imposed by section 103 of the Indian Companies Act, 1913, if, and so far as, those restrictions are binding upon the company.

Shares

3 Subject to the provisions, if any, in that behalf of the memorandum of association of the company, and without prejudice to any special rights previously conferred on the holders of existing shares in the company, any share in the company may be issued with such preferred, deferred or other special rights, or such restrictions, whether in regard to dividend, voting, return of share capital, or otherwise, as the company may from time to time by special resolution determine

4 If at any time the share capital is divided into different classes of shares, the rights attached to any class (unless otherwise provided by the terms of issue of the shares of that class) may be varied with the consent in writing of the holders of three-fourths of the issued shares of that class, or with the sanction of an extraordinary resolution passed at a separate general meeting of the holders of the shares of the class. To every such separate general meeting the provisions of these regulations relating to general meetings shall *mutatis mutandis* apply, but so that the necessary quorum shall be two persons at least holding or representing by proxy one-third of the issued shares of the class

5 No share shall be offered to the public for subscription except upon the terms that the amount payable on application shall be at least five per cent of the nominal amount of the share; and the directors shall, as regards any allotment of shares, duly comply with such of the provisions of sections 101 and 104 of the Indian Companies Act, 1913, as may be applicable thereto

6 Every person whose name is entered as a member in the register of members shall, without payment, be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon. Provided that, in respect of a share or shares held jointly by several persons, the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint-holders shall be sufficient delivery to all

7 If a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding eight annas, and on such terms, if any, as to evidence and indemnity as the directors think fit

8. No part of the funds of the company shall be employed in the purchase of, or in loans upon the security of, the company's shares

Lien.

9 The company shall have a lien on every share (not being a fully-paid share) for all moneys (whether presently payable or not) called or payable at a fixed time in respect of that share, and the company shall also have a lien on all shares (other than fully-paid shares) standing registered in the name of a single person, for all moneys presently payable by him or his estate to the company; but the directors may at any time declare any share to be wholly or in part exempt from the provisions of this clause. The company's lien, if any, on a share shall extend to all dividends payable thereon.

*The Indian Companies Act, 1913.**(The First Schedule.)*

10. The company may sell, in such manner as the director thinks fit any shares on which the company has a lien, but no sale shall be made unless some sum in respect of which the lien exists is presently payable, nor until the expiration of fourteen days after a notice in writing, stating and demanding payment of such part of amount in respect of which the lien exists as is presently payable, has been given to the registered holder for the time being of the share, or the person entitled by reason of his death or insolvency to the share.

11. The proceeds of the sale shall be applied in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue shall (subject to a like lien for sums not presently payable as existed upon the shares prior to the sale) be paid to the person entitled to the shares at the date of the sale. The purchaser shall be registered as the holder of the shares, and he shall not be bound to see to the application of the purchase-money, nor shall his title to the shares be affected by any irregularity or invalidity in the proceedings in reference to the sale.

Calls on Shares.

12. The directors may from time to time make calls upon the members in respect of any moneys unpaid on their shares, provided that no call shall exceed one-fourth of the nominal amount of the share, or be payable at less than one month from the last call, and each member shall (subject to receiving at least fourteen days' notice specifying the time or times of payments) pay to the company at the time or times so specified the amount called on his shares.

13. The joint-holders of a share shall be jointly and severally liable to pay all calls in respect thereof.

14. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due shall pay interest upon the sum at the rate of five per cent per annum from the day appointed for the payment thereof to the time of the actual payment, but the directors shall be at liberty to waive payment of that interest wholly or in part.

15. The provisions of these regulations as to payment of interest shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had become payable by virtue of a call duly made and notified.

16. The directors may make arrangements on the issue of shares for a difference between the holders in the amount of calls to be paid and in the times of payment.

17. The directors may, if they think fit, receive from any member willing to advance the same all or any part of the moneys uncalled and unpaid upon any shares held by him, and upon all or any of the moneys so advanced may (until the same would, but for such advance, become presently payable) pay interest at such rate (not exceeding, without the sanction of the company in general meeting, six per cent) as may be agreed upon between the member paying the sum in advance and the directors.

Transfer and transmission of shares.

18. The instrument of transfer of any share in the company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain holder of the share until the name of the transferee is entered in the register of members in respect thereof.

19. Shares in the company shall be transferred in the following form, or in any usual or common form which the directors shall approve.

I, A B of _____, in consideration of the sum of rupees _____ paid to me by C D of _____ (hereinafter called "the said transferee"), do hereby transfer to the said transferee the share [or shares] numbered _____ in the undertaking called the _____ Company, Limited, to hold unto the said transferee, his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution thereof, and I, the said transferee, do hereby agree to take the said share [or shares] subject to the conditions aforesaid. As witness our hands the day of _____

Witness to the signature, of, etc

20. The directors may decline to register any transfer of shares, not being fully-paid shares, to a person of whom they do not approve, and may also decline to register any transfer of shares on which the company has a lien. The directors may also suspend the registration of transfers during the fourteen days immediately preceding the ordinary general meeting in each year. The directors may decline to recognise any instrument of transfer unless—

- (a) a fee not exceeding two rupees is paid to the company in respect thereof, and
- (b) the instrument of transfer is accompanied by the certificate of the shares to which it relates, and such other evidence as the directors may reasonably require to show the right of the transferor to make the transfer.

21. The executors or administrators of a deceased sole holder of a share shall be the only persons recognised by the company as having any title to the share. In the case of a share registered in the names of two or more holders, the survivor or survivors, or the executors or administrators of the deceased survivor, shall be the only persons recognised by the company as having any title to the share.

22. Any person becoming entitled to a share in consequence of the death or insolvency of a member shall, upon such evidence being produced as may from time to time be required by the directors, have the right, either to be registered as a member in respect of the share or, instead of being registered himself, to make such transfer of the share as the deceased or insolvent person could have made, but the directors shall, in either case, have the same right to decline or suspend registration as they would have had in the case of a transfer of the share by the deceased or insolvent person before the death or insolvency.

23. A person becoming entitled to a share by reason of the death or insolvency of the holder shall be entitled to the same dividends and other

*The Indian Companies Act, 1913.**(The First Schedule)*

advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a member in respect of the share, be entitled in respect of it to exercise any right conferred by membership in relation to meetings of the company

of premium, as if the same had been payable by virtue of a call duly made and notified

Conversion of shares into stock

31 The directors may, with the sanction of the company previously given in general meeting, convert any paid-up shares into stock, and may with the like sanction re-convert any stock into paid-up shares of any denomination

32 The holders of stock may transfer the same, or any part thereof, in the same manner, and subject to the same regulations, as, and subject to which, the shares from which the stock arose might previously to conversion have been transferred, or as near thereto as circumstances admit, but the directors may from time to time fix the minimum amount of stock transferable, and restrict or forbid the transfer of fractions of that minimum, but the minimum shall not exceed the nominal amount of the shares from which the stock arose

33 The holders of stock shall, according to the amount of the stock held by them, have the same rights, privileges and advantages as regards dividends, voting at meetings of the company, and other matters, as if they held the shares from which the stock arose, but no such privilege or advantage (except participation in the dividends and profits of the company) shall be conferred by any such aliquot part of stock as would not, if existing in shares, have conferred that privilege or advantage

34 Such of the regulations of the company (other than those relating to share-warrants), as are applicable to paid-up shares shall apply to stock, and the words "share" and "shareholder" therein shall include "stock" and "stockholder"

Share-warrants

35. The company may issue share-warrants, and accordingly the directors may in their discretion, with respect to any share which is fully paid up, on application in writing signed by the person registered as holder of the share, and authenticated by such evidence (if any) as the directors may from time to time require as to the identity of the person signing the request, and on receiving the certificate (if any) of the share, and the amount of the stamp-duty on the warrant and such fee as the directors may from time to time require, issue under the company's seal a warrant, duly stamped, stating that the bearer of the warrant is entitled to the shares therein specified, and may provide by coupons or otherwise for the payment of dividends, or other moneys on the shares included in the warrant

36 A share-warrant shall entitle the bearer to the shares included in it, and the share shall be transferred by the delivery of the share-warrant, and the provisions of the regulations of the company with respect to transfer and transmission of shares shall not apply thereto

37 The bearer of a share-warrant shall, on surrender of the warrant to the company for cancellation, and on payment of such sum as the directors may from time to time prescribe, be entitled to have his name entered as a member in the register of members in respect of the shares included in the warrant.

Forfeiture of shares

24 If a member fails to pay any call or instalment of a call on the day appointed for payment thereof, the directors may, at any time thereafter during such time as any part of such call or instalment remains unpaid, serve a notice on him requiring payment of so much of the call or instalment as is unpaid, together with any interest which may have accrued

25 The notice shall name a further day (not earlier than the expiration of fourteen days, from the date of the notice) on or before which the payment required by the notice is to be made, and shall state that, in the event of non-payment at or before the time appointed, the shares in respect of which the call was made will be liable to be forfeited

26 If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the directors to that effect.

27. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the directors think fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the directors think fit

28 A person whose shares have been forfeited shall cease to be a member in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the company all moneys which, at the date of forfeiture, were presently payable by him to the company in respect of the shares, but his liability shall cease if and when the company receive payment in full of the nominal amount of the shares

29 A duly verified declaration in writing that the declarant is a director of the company, and that a share in the company has been duly forfeited on a date stated in the declaration, shall be conclusive evidence of the facts therein stated as against all persons claiming to be entitled to the share, and that declaration, and the receipt of the company for the consideration, if any, given for the share on the sale or disposition thereof, shall constitute a good title to the share, and the person to whom the share is sold or disposed of shall be registered as the holder of the share and shall not be bound to see to the application of the purchase-money (if any), nor shall his title to the share be affected by any irregularity or invalidity in the proceedings in reference to the forfeiture, sale or disposal of the share.

30 The provisions of these regulations as to forfeiture shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way

*The Indian Companies Act, 1913**(The First Schedule)*

advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a member in respect of the share, be entitled in respect of it to exercise any right conferred by membership in relation to meetings of the company

Forfeiture of shares

24 If a member fails to pay any call or instalment of a call on the day appointed for payment thereof, the directors may, at any time thereafter during such time as any part of such call or instalment remains unpaid, serve a notice on him requiring payment of so much of the call or instalment as is unpaid, together with any interest which may have accrued

25 The notice shall name a further day (not earlier than the expiration of fourteen days, from the date of the notice) on or before which the payment required by the notice is to be made, and shall state that, in the event of non-payment at or before the time appointed, the shares in respect of which the call was made will be liable to be forfeited

26 If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the directors to that effect.

27. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the directors think fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the directors think fit

28. A person whose shares have been forfeited shall cease to be a member in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the company all moneys which, at the date of forfeiture, were presently payable by him to the company in respect of the shares, but his liability shall cease if and when the company receive payment in full of the nominal amount of the shares

29 A duly verified declaration in writing that the declarant is a director of the company, and that a share in the company has been duly forfeited on a date stated in the declaration, shall be conclusive evidence of the facts therein stated as against all persons claiming to be entitled to the share, and that declaration, and the receipt of the company for the consideration, if any, given for the share on the sale or disposition thereof, shall constitute a good title to the share, and the person to whom the share is sold or disposed of shall be registered as the holder of the share and shall not be bound to see to the application of the purchase-money (if any), nor shall his title to the share be affected by any irregularity or invalidity in the proceedings in reference to the forfeiture, sale or disposal of the share.

30 The provisions of these regulations as to forfeiture shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way

of premium, as if the same had been payable by virtue of a call duly made and noticed

Conversion of shares into stock

31 The directors may, with the sanction of the company previously given in general meeting, convert any paid-up shares into stock, and may with the like sanction re-convert any stock into paid-up shares of any denomination

32 The holders of stock may transfer the same, or any part thereof, in the same manner, and subject to the same regulations, as, and subject to which, the shares from which the stock arose might previously to conversion have been transferred, or as near thereto as circumstances admit, but the directors may from time to time fix the minimum amount of stock transferable, and restrict or forbid the transfer of fractions of that minimum, but the minimum shall not exceed the nominal amount of the shares from which the stock arose

33 The holders of stock shall, according to the amount of the stock held by them, have the same rights, privileges and advantages as regards dividends, voting at meetings of the company, and other matters, as if they held the shares from which the stock arose, but no such privilege or advantage (except participation in the dividends and profits of the company) shall be conferred by any such aliquot part of stock as would not, if existing in shares, have conferred that privilege or advantage

34 Such of the regulations of the company (other than those relating to share warrants), as are applicable to paid-up shares shall apply to stock, and the words "share" and "shareholder" therein shall include "stock" and "stockholder"

Share-warrants

35. The company may issue share-warrants, and accordingly the directors may in their discretion, with respect to any share which is fully paid up, on application in writing signed by the person registered as holder of the share, and authenticated by such evidence (if any) as the directors may from time to time require as to the identity of the person signing the request, and on receiving the certificate (if any) of the share, and the amount of the stamp-duty on the warrant and such fee as the directors may from time to time require, issue under the company's seal a warrant, duly stamped, stating that the bearer of the warrant is entitled to the shares therein specified, and may provide by coupons or otherwise for the payment of dividends, or other moneys on the shares included in the warrant

36 A share-warrant shall entitle the bearer to the shares included in it, and the share shall be transferred by the delivery of the share-warrant, and the provisions of the regulations of the company with respect to transfer and transmission of shares shall not apply thereto

37 The bearer of a share-warrant shall, on surrender of the warrant to the company for cancellation, and on payment of such sum as the directors may from time to time prescribe, be entitled to have his name entered as a member in the register of members in respect of the shares included in the warrant.

The Indian Companies Act, 1913
(The First Schedule)

38 The bearer of a share-warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited, the depositor shall have the same right of signing a requisition for calling a meeting of the company, and of attending and voting and exercising the other privileges of a member at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of members as the holder of the shares included in the deposited warrant. Not more than one person shall be recognised as depositor of the share-warrant. The company shall, on two days' written notice, return the deposited share-warrant to the depositor.

39 Subject as herein otherwise expressly provided, no person shall, as bearer of a share-warrant, sign a requisition for calling a meeting of the company, or attend, or vote or exercise any other privilege of a member at a meeting of the company, or be entitled to receive any notices from the company, but the bearer of a share-warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of members as the holder of the shares included in the warrant, and he shall be a member of the company.

40 The directors may from time to time make rules as to the terms on which (if they shall think fit) a new share-warrant or coupon may be issued by way of renewal in case of defacement, loss or destruction.

Alteration of Capital.

41 The directors may, with the sanction of an extraordinary resolution of the company, increase the share capital by such sum, to be divided into shares of such amount, as the resolution shall prescribe.

42 Subject to any direction to the contrary that may be given by the resolution sanctioning the increase of share capital, all new shares shall, before issue, be offered to such persons as at the date of the offer are entitled to receive notices from the company of general meetings in proportion, as nearly as the circumstances admit, to the amount of the existing shares to which they are entitled. The offer shall be made by notice specifying the number of shares offered, and limiting a time within which the offer, if not accepted, will be deemed to be declined, and after the expiration of that time, or on the receipt of an intimation from the person to whom the offer is made that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the company. The directors may likewise so dispose of any new shares which (by reason of the ratio which the new shares bear to shares held by persons entitled to an offer of new shares) cannot, in the opinion of the directors, be conveniently offered under this article.

43 The new shares shall be subject to the same provisions with reference to the payment of calls, lien, transfer, transmission, forfeiture and otherwise as the shares in the original share capital.

44 The company may, by special resolution,—

- (a) consolidate and divide its share capital into shares of larger amount than its existing shares,

- (b) by sub-division of its existing shares or any of them, divide the whole or any part of its share capital into shares of smaller amount than is fixed by the memorandum of association, subject, nevertheless, to the provisions of paragraph (d) of sub-section (1) of section 50 of the Indian Companies Act, 1913,
- (c) cancel any shares which, at the date of the passing of the resolution, have not been taken or agreed to be taken by any person,
- (d) reduce its share capital in any manner and with, and subject to, any incident authorised, and consent required, by law.

General Meetings

45 The statutory general meeting of the company shall be held within the period required by section 77 of the Indian Companies Act, 1913.

46 A general meeting shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be called by any two members in the same manner as nearly as possible as that in which meetings are to be called by the directors.

47 The above-mentioned general meetings shall be called ordinary meetings, all other general meetings shall be called extraordinary.

48 The directors may, whenever they think fit, call an extraordinary general meeting, and extraordinary general meetings shall also be called on such requisition, or in default, may be called by such requisitionists, as provided by section 78 of the Indian Companies Act, 1913. If at any time there are not within British India sufficient directors capable of acting to form a quorum, any director or any two members of the company may call an extraordinary general meeting in the same manner as nearly as possible as that in which meetings may be called by the directors.

Proceedings at General Meeting

49 Fourteen days' notice at the least (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, the day and the hour of meeting and, in case of special business, the general nature of that business, shall be given in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting, to such persons as are, under the regulations of the company, entitled to receive such notices from the company; but the non-receipt of the notice by any member shall not invalidate the proceedings at any general meeting.

50. All business shall be deemed special that is transacted at an extraordinary meeting, and all

The Indian Companies Act, 1913.
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that is transacted at an ordinary meeting with the exception of sanctioning a dividend, the consideration of the accounts, balance-sheets and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of the remuneration of the auditors

51 No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business, save as herein otherwise provided, three members personally present shall be a quorum

52 If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if called upon the requisition of members, shall be dissolved, in any other case, it shall stand adjourned to the same day in the next week at the same time and place, and, if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum

53 The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company

54 If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, or is unwilling to act as chairman, the members present shall choose some one of their number to be chairman

55 The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for ten days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid, it shall not be necessary to give any notice of an adjournment of the business to be transacted at an adjourned meeting

56 At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least three members, and, unless a poll is so demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or by a particular majority or lost, and an entry to that effect in the book of the proceedings of the company shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

57 If a poll is duly demanded, it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded

58. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place, or at which the poll is demanded, shall be entitled to a second or casting vote

59. A poll demanded on the election of a chairman or on a question of adjournment shall be taken forthwith. A poll demanded on any other

question shall be taken at such time as the chairman of the meeting directs

Votes of Members

60 On a show of hands every member present in person shall have one vote. On a poll every member shall have one vote for each share of which he is the holder

61 In the case of joint-holders, the vote of the senior who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint holders, and for this purpose seniority shall be determined by the order in which the names stand in the register of members

62 A member of unsound mind, or in respect of whom an order has been made by any Court having jurisdiction in lunacy, may vote, whether on a show of hands or on a poll, by his committee or other legal guardian, and any such committee or guardian may, on a poll, vote by proxy

63 No member shall be entitled to vote at any general meeting unless all calls or other sums presently payable by him in respect of shares in the company have been paid

64 On a poll votes may be given either personally or by proxy. Provided that no company shall vote by proxy as long as a resolution of its directors in accordance with the provisions of section 80 of the Indian Companies Act, 1913, is in force

65 The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorised in writing, or, if the appointor is a corporation, either under the common seal, or under the hand of an officer or attorney so authorised. No person shall act as a proxy unless either he is entitled on his own behalf to be present and vote at the meeting at which he acts as proxy, or he has been appointed to act at that meeting as proxy for a corporation

66 The instrument appointing a proxy and the power-of-attorney or other authority (if any), under which it is signed or a notarially certified copy of that power or authority shall be deposited at the registered office of the company not less than seventy-two hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid

67 An instrument appointing a proxy may be in the following form, or in any other form which the directors shall approve:—

Company, Limited

"I of _____ in the district of _____, being a member of the _____ Company, Limited, hereby appoint _____ of _____ as my proxy to vote for me and on my behalf at the [ordinary or extraordinary, as the case may be] general meeting of the company to be held on the _____ day of _____ and at any adjournment thereof"
Signed this _____ day of _____

Directors.

68 The number of the directors and the names of the first directors shall be determined in writing by a majority of the subscribers of the memorandum of association.

*The Indian Companies Act, 1913.**(The First Schedule)*

69 The remuneration of the directors shall from time to time be determined by the company in general meeting

70 The qualification of a director shall be the holding of at least one share in the company, and it shall be his duty to comply with the provisions of section 85 of the Indian Companies Act, 1913

Powers and duties of Directors.

71 The business of the company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the company, and may exercise all such powers of the company as are not, by the Indian Companies Act, 1913, or any statutory modification thereof for the time being in force, or by these articles, required to be exercised by the company in general meeting, subject nevertheless to any regulation of these articles, to the provisions of the said Act, and to such regulations being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the company in general meeting, but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made

72 The directors may from time to time appoint one or more of their body to the office of managing director or manager for such term, and at such remuneration (whether by way of salary, or commission, or participation in profits, or partly in one way and partly in another) as they may think fit, and a director so appointed shall not, while holding that office, be subject to retirement by rotation, or taken into account in determining the rotation of retirement of directors, but his appointment shall be subject to determination *ipso facto* if he ceases from any cause to be a director, or if the company in general meeting resolve that his tenure of the office of managing director or manager be determined

73 The amount for the time being remaining undischarged of moneys borrowed or raised by the directors for the purposes of the company (otherwise than by the issue of share capital) shall not at any time exceed the issued share capital of the company without the sanction of the company in general meeting.

74. The directors shall duly comply with the provisions of the Indian Companies Act, 1913, or any statutory modification thereof for the time being in force, and in particular with the provisions in regard to the registration of the particulars of mortgages and charges affecting the property of the company or created by it, and to keeping a register of the directors, and to sending to the registrar an annual list of members, and a summary of particulars relating thereto and notice of any consolidation or increase of share capital, or conversion of shares into stock, and copies of special resolutions and a copy of the register of directors and notifications of any changes therein.

75. The directors shall cause minutes to be made in books provided for the purpose—

- (a) of all appointments of officers made by the directors ;

- (b) of the names of the directors present at each meeting of the directors and of any committee of the directors ;

- (c) of all resolutions and proceedings at all meetings of the company, and, of the directors, and of committees of directors ;

and every director present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose

The Seal

76 The seal of the company shall not be affixed to any instrument except by the authority of a resolution of the board of directors, and in the presence of at least two directors and of the secretary or such other person as the directors may appoint for the purpose, and those two directors and secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence

Disqualifications of Directors

77 The office of director shall be vacated if the director—

- (a) ceases to be a director by virtue of section 85 of the Indian Companies Act, 1913 ;
or
(b) holds or is a partner of his, or the firm of which he is a member, holds any other office of profit under the company except that of managing director or manager ;
or
(c) is adjudged insolvent ; or
(d) is found lunatic or becomes of unsound mind ; or
(e) is concerned or participates in the profit of any contract with the company ; or
(f) is punished with imprisonment for a term exceeding six months .

Provided, however, that no director shall vacate his office by reason of his being a member of any company which has entered into contracts with, or done any work for, the company of which he is director, but a director shall not vote in respect of any such contract or work, and if he does so vote, his vote shall not be counted

Rotation of Directors.

78. At the first ordinary meeting of the company, the whole of the directors shall retire from office, and at the ordinary meeting in every subsequent year, one-third of the directors for the time being or, if then number is not three or a multiple of three, then the number nearest to one-third shall retire from office

79 The directors to retire in every year shall be those who have been longest in office since their last election, but as between persons who became directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot

80 A retiring director shall be eligible for re-election.

81. The company at the general meeting at which a director retires in manner aforesaid may fill up the vacated office by electing a person thereto.

*The Indian Companies Act, 1913**(The First Schedule.)*

82 If at any meeting at which an election of directors ought to take place, the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week at the same time and place, and, if at the adjourned meeting the places of the vacating directors are not filled up, the vacating directors or such of them as have not had their places filled up shall be deemed to have been re-elected at the adjourned meeting.

83 The company may from time to time in general meeting increase or reduce the number of directors, and may also determine in what rotation the increased or reduced number is to go out of office.

84 Any casual vacancy occurring on the board of directors may be filled up by the directors, but the person so chosen shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

85 The directors shall have power at any time, and from time to time, to appoint a person as an additional director who shall retire from office at the next following ordinary general meeting, but shall be eligible for election by the company at that meeting as an additional director.

86 The company may by extraordinary resolution remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead, the person so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

Proceedings of Directors.

87 The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings, as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the chairman shall have a second or casting vote. A director may, and the secretary on the requisition of a director shall, at any time, summon a meeting of directors.

88 The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and unless so fixed shall (when the number of directors exceeds three) be three.

89 The continuing directors may act notwithstanding any vacancy in their body, but, if and so long as their number is reduced below the number fixed by or pursuant to the regulations of the company as the necessary quorum of directors, the continuing directors may act for the purpose of increasing the number of directors to that number, or of summoning a general meeting of the company, but for no other purpose.

90 The directors may elect a chairman of their meetings and determine the period for which he is to hold office, but if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the directors present may choose one of their number to be chairman of the meeting.

91. The directors may delegate any of their powers to committees consisting of such member

or members of their body as they think fit, any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the directors.

92 A committee may elect a chairman of their meetings if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the members present may choose one of their number to be chairman of the meeting.

93 A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and, in case of an equality of votes, the chairman shall have a second or casting vote.

94 All acts done by any meeting of the directors or of a committee of directors, or by any person acting as a director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Dividends and Reserve.

95 The company in general meeting may declare dividends, but no dividends shall exceed the amount recommended by the directors.

96 The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company.

97 No dividends shall be paid otherwise than out of profits.

98 Subject to the rights of persons (if any) entitled to shares with special rights as to dividends, all dividends shall be declared and paid according to the amounts paid on the shares, but if and so long as nothing is paid up on any of the shares in the company, dividends may be declared and paid according to the amounts of the shares. No amount paid on a share in advance of calls shall, while carrying interest, be treated for the purposes of this article as paid on the share.

99 The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve or reserves which shall, at the discretion of the directors, be applicable for meeting contingencies, or for equalizing dividends, or for any other purpose to which the profits of the company may be properly applied, and pending such application may, at the like discretion, either be employed in the business of the company or be invested in such investments (other than shares of the company) as the directors may from time to time think fit.

100 If several persons are registered as joint-holders of any share, any one of them may give effectual receipts for any dividend payable on the share.

101 Notice of any dividend that may have been declared shall be given in manner hereinafter mentioned to the persons entitled to share therein.

102. No dividend shall bear interest against the company.

*The Indian Companies Act, 1913**(The First Schedule)**Accounts*

103 The directors shall cause true accounts to be kept—

(a) of the sums of money received and expended by the company, and the matter in respect of which such receipt and expenditure takes place, and

(b) of the assets and liabilities of the company

104 The books of account shall be kept at the registered office of the company, or at such other place or places as the directors think fit, and shall always be open to the inspection of the directors

105 The directors shall from time to time examine whether and to what extent and at what times and places and under what conditions regulations the accounts and books of the company or any of them shall be open to the inspection of members not being directors, and no member not being a director shall have any right of inspecting any account or book or document of the company except as conferred by law or authorised by the directors or by the company in general meeting

106 Once at least in every year the directors shall lay before the company in general meeting a profit and loss account for the period since the preceding accountant (in the case of the first account) since the incorporation of the company, made up to a date not more than six months before such meeting.

107 The profit and loss account shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expenses of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting, and, in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

108 A balance-sheet shall be made out in every year and laid before the company in general meeting made up to a date not more than six months before such meeting. The balance-sheet shall be accompanied by a report of the directors as to the state of the company's affairs, and the amount which they recommend to be paid by way of dividend, and the amount (if any) which they propose to carry to a reserve fund

109. A copy of the balance-sheet and report shall, seven days previously to the meeting, be sent to the persons entitled to receive notices of general meetings in the manner in which notices are to be given hereunder

110 The directors shall in all respects comply with the provisions of sections 130 to 135 of

the Indian Companies Act, 1913, or any statutory modification thereof for the time being in force

Audit.

111 Auditors shall be appointed and their duties regulated in accordance with sections 144 and 145 of the Indian Companies Act, 1913, or any statutory modification thereof for the time being in force

Notices

112 (1) A notice may be given by the company to any member either personally or by sending it by post to him to his registered address, or (if he has no registered address in British India) to the address, if any, within British India supplied by him to the company for the giving of notices to him

(2) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post

113. If a member has no registered address in British India, and has not supplied to the company an address within British India for the giving of notices to him, a notice addressed to him and advertised in a newspaper circulating in the neighbourhood of the registered office of the company shall be deemed to be duly given to him on the day on which the advertisement appears

114 A notice may be given by the company to the joint-holders of a share by giving the notice to the joint-holder named first in the register in respect of the share

115 A notice may be given by the company to the persons entitled to a share in consequence of the death or insolvency of a member by sending it through the post in a prepaid letter addressed to them by name, or by the title of representatives of the deceased, or assignee of the insolvent or by any like description, at the address (if any) in British India supplied for the purpose by the persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which the same might have been given if the death or insolvency had not occurred

116 Notice of every general meeting shall be given in some manner hereinbefore authorised to (a) every member of the company (including bearers of share-warrants) except those members who (having no registered address within British India) have not supplied to the company an address within British India for the giving of notices to them, and also to (b) every person entitled to a share in consequence of the death or insolvency of a member, who, but for his death or insolvency, would be entitled to receive notice of the meeting. No other persons shall be entitled to receive notices of general meetings.

The Indian Companies Act, 1913
(The First Schedule)

TABLE B.

(See sections 249 and 262)

TABLE OF FEES TO BE PAID TO THE REGISTRAR.

I—By a company having a share capital.

| | Rs | A | P |
|--|----|---|---|
| 1 For registration of a company whose nominal share capital does not exceed Rs 20,000, a fee of | 40 | 0 | 0 |
| 2 For registration of a company whose nominal share capital exceeds Rs 20,000, the above fee of forty rupees, with the following additional fees regulated according to the amount of nominal capital (that is to say)— | | | |
| For every 10,000 rupees of nominal share capital, or part of 10,000 rupees, after the first 20,000 rupees up to 50,000 rupees | 20 | 0 | 0 |
| For every 10,000 rupees of nominal share capital, or part of 10,000 rupees, after the first 50,000 rupees up to 10,00,000 rupees | 5 | 0 | 0 |
| For every 10,000 rupees of nominal share capital, or part of 10,000 rupees, after the first 10,00,000 rupees | 1 | 0 | 0 |
| 3 For registration of any increase of share capital made after the first registration of the company, the same fees per 10,000 rupees or, part of 10,000 rupees as would have been payable if such increased share capital had formed part of the original share capital at the time of registration | | | |
| Provided that no company shall be liable to pay in respect of nominal share capital on registration, or afterwards, any greater amount of fees than 1,000 rupees taking into account, in the case of fees payable on an increase of share capital after registration, the fees paid on registration | | | |
| 4 For registration of any existing company, except such companies as are by this Act, exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new company. | | | |
| 5 For filing any document by this Act required or authorised to be filed, other than the memorandum or the abstract required to be filed with the registrar by a receiver or the statement required to be filed with the registrar by the liquidator in a winding up | 5 | 0 | 0 |

Rs A P

- 6 For making a record of any fact by this Act authorised or required to be recorded by the registrar, a fee of .. 5 0 0

II—By a company not having a share capital.

Rs A P

- 1 For registration of a company whose number of members, as stated in the articles of association, does not exceed 20 40 0 0
- 2 For registration of a company* whose number of members as stated in the articles of association, exceeds 20, but does not exceed 100 ... 100 0 0
- 3 For registration of a company whose number of members, as stated in the articles of association, exceeds 100, but is not stated to be unlimited, the above fee of Rs 100 with an additional Rs 5 for every 50 members, or less number than 50 members, after the first 100
- 4 For registration of a company in which the number of members is stated in the articles of association to be unlimited, a fee of 400 0 0
- 5 For registration of any increase on the number of members made after the registration of the company, the same fees as would have been payable if such increase had been stated in the articles of association at the time of registration . 5 0 0
- Provided that no one company shall be liable to pay on the whole a greater fee than Rs 400 in respect of its number of members, taking into account the fee paid on the first registration of the company.
- 6 For registration of any existing company except such companies as are by this Act exempted from payment of fees in respect of registration under this Act the same fee as is charged for registering a new company.
- 7 For filing any document by this Act required or authorised to be filed, other than the memorandum or the abstract required to be filed with the registrar by a receiver or the statement required to be filed with the registrar by the liquidator in a winding up 5 0 0
- 8 For making a record of any fact by this Act authorised or required to be recorded by the registrar, a fee of 5 0 0

The Indian Companies Act, 1913.
(The Second Schedule.)

THE SECOND SCHEDULE

(See section 98)

STATEMENT IN LIEU OF PROSPECTUS.

filed by

LIMITED.

pursuant to section 98 of the Indian Companies
Act, 1913.

Presented for filing by

THE INDIAN COMPANIES ACT, 19

LIMITED

STATEMENT IN LIEU OF PROSPECTUS

| | |
|---|--|
| The nominal share capital of the company | Rs |
| Divided into | Shares of Rs each " " " " " " |
| Names, descriptions and addresses of directors or proposed directors and of the managers or proposed managers | |
| Minimum subscription (if any) fixed by the memorandum or articles of association on which the company may proceed to allotment | |
| Number and amount of shares and debentures agreed to be issued as fully or partly paid up otherwise than in cash | 1 shares of Rs fully paid |
| The consideration for the intended issue of those shares and debentures | 2 shares upon which Rs per share credited as paid 3 debenture Rs 4 Consideration |
| Names and addresses of (a) vendors of property purchased or acquired (b) or proposed to be purchased or acquired by the company | |
| Amount (in cash, shares or debentures) payable to each separate vendor | |
| Amount (if any) paid or payable (in cash or shares or debentures) for any such property, specifying amount (if any) paid or payable for goodwill. | Total purchase price . Rs Cash . " Shares . " Debentures . " Goodwill . Rs |

| | |
|--|--|
| Amount (if any) paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the company or | Amount paid " payable |
| Rate of the commission | Rate per cent |
| Estimated amount of preliminary expenses * | Rs |
| Amount paid or intended to be paid to any promoter Consideration for the payment | Name of promoter Amount Rs Consideration — |
| Dates of, and parties to every material contract (other than contracts entered into in the ordinary course of the business intended to be carried on by the company or entered into more than two years before the filing of this statement) | |
| Time and place at which the contracts or copies thereof may be inspected | |
| Names and addresses of the auditors of the company (if any) | |
| Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company | |
| Whether the articles contain any provisions prejudicing holders of shares or debentures receiving and inspecting balance-sheets or reports of the auditors or other reports | Nature of the provisions |

(Signature of the persons above-named as directors or proposed directors, or of their agents authorised in writing)

(a) For definition of vendor, see section 94 of the Indian Companies Act, 1913.

(b) See section 95 of the Indian Companies Act, 1913.

*The Indian Companies Act, 1913,
(The Third Schedule)*

THE THIRD SCHEDULE

FORM A

(See sections 6 and 151)

**MEMORANDUM OF ASSOCIATION OF A COMPANY
LIMITED BY SHARES**

- 1st*—The name of the company is "The East-
ern Steam Packet Company, Limited"
- 2nd*—The registered office of the company will
be situate in the province of Bombay
- 3rd*—The objects for which the company is
established are "the conveyance of
passengers and goods in ships or boats
between such places as the company
may from time to time determine, and the
doing all such other things as are incidental
or conducive to the attainment of
the above object"
- 4th*—The liability of the members is limited
- 5th*—The share capital of the company is two
hundred thousand rupees, divided into one
thousand shares of two hundred rupees
each

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names

| Names, addresses and descriptions of subscribers | Number of shares taken by each subscriber. |
|--|--|
| 1 A B of, merchant | 200 |
| 2 C D, " " | 25 |
| 3 E F, " " | 80 |
| 4 G H, " " | 40 |
| 5 I J, " " | 15 |
| 6 K L, " " | 5 |
| 7 M N, " " | 10 |
| Total shares taken | 325 |

Dated the day of 19 .

Witness to the above signatures,

X. Y., of

FORM B

(See sections 7 and 151)

**MEMORANDUM AND ARTICLES OF ASSOCIATION OF
A COMPANY LIMITED BY GUARANTEE, AND
NOT HAVING A SHARE CAPITAL**

Memorandum of Association

- 1st*—The name of the company is "The Mutual Calcutta Marine Association, Limited"
- 2nd*—The registered office of the company will be situate in Calcutta
- 3rd*—The objects for which the company is established are "the mutual insurance of ships belonging to members of the company, and the doing all such other things as are incidental or conducive to the attainment of the above object"
- 4th*—The liability of the members is limited.
- 5th*—Every member of the company undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and the costs, charges and expenses of winding up and for the adjustment of the rights of the contributors among themselves, such amount as may be required not exceeding one hundred rupees

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association

Names, Addresses and Descriptions of Subscribers

- "1 A B of
"2 C D of
"3 E F of
"4 G H of
"5 I J of
"6 K L of
"7 M N of

Dated the day of

Witness to the above signatures

X. Y., of

ARTICLES OF ASSOCIATION TO ACCOMPANY PRECEDING MEMORANDUM OF ASSOCIATION.

Number of Members

1 The company for the purpose of registration is declared to consist of five hundred members

2 The directors hereinafter mentioned may, whenever the business or the association requires it, register an increase of members

Definition of Members.

3 Every person shall be deemed to have agreed to become a member of the company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained

General Meetings

4 The first general meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the company, and at such place, as the directors may determine

*The Indian Companies Act, 1913.**(The Third Schedule)*

5 A general meeting shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place, as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be called by any two members in the same manner as nearly as possible as that in which meetings are to be called by the directors.

6 The above-mentioned general meetings shall be called ordinary meetings, all other general meetings shall be called extraordinary.

7. The directors may, whenever they think fit, and shall, on a requisition made in writing by any five or more members, call an extraordinary general meeting.

8 Any requisition made by the members must state the object of the meeting proposed to be called, and must be signed by the requisitionists and deposited at the registered office of the company.

9 On receipt of the requisition the directors shall forthwith proceed to call a general meeting if they do not proceed to cause a meeting to be held within twenty-one days from the date of the requisition being so deposited, the requisitionists or any other five members may themselves call a meeting.

Proceedings at General Meetings.

10 Fourteen days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business the general nature of the business, shall be given to the members in manner hereinafter mentioned, or in such other manner (if any) as may be prescribed by the company in general meeting, but the non-receipt of such a notice by any member shall not invalidate the proceedings at any general meeting.

11. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of remuneration of the auditors.

12 No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of members is present at the commencement of the business. The quorum shall be ascertained as follows (that is to say) — if the members of the company at the time of the meeting do not exceed ten in number, the quorum shall be five, if they exceed ten, there shall be added to the above quorum one for every five additional members with this limitation, that no quorum shall in any case exceed ten.

13. If within one hour from the time appointed for the meeting a quorum of members is not present, the meeting, if called on the requisition

of the members, shall be dissolved, in any other case it shall stand adjourned to the same day in the following week at the same time and place, and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die*.

14 The chairman (if any) of the directors shall preside as chairman at every general meeting of the company.

15 If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman of that meeting.

16 The chairman may, with the consent of the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

17 At any general meeting, unless a poll is demanded by at least three members, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the resolution.

18. If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

Votes of Members.

19. Every member shall have one vote and no more.

20. If any member is a lunatic or idiot, he may vote by his committee or other legal guardian.

21 No member shall be entitled to vote at any meeting unless all moneys due from him to the company have been paid.

22. On a poll votes may be given either personally or by proxy. Provided that no company shall vote by proxy as long as a resolution of its directors in accordance with the provisions of section 80 of the Indian Companies Act, 1913, is in force. A proxy shall be appointed in writing under the hand of the appointor, or, if such appointor is a corporation, under its common seal.

23 (1) No person shall act as a proxy unless he is a member, or unless he is appointed to act at the meeting as proxy for a corporation.

(2) The instrument appointing him shall be deposited at the registered office of the company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

24 Any instrument appointing a proxy shall be in the following form —

Company, Limited,

I, _____, of _____
being a Member of the _____ Company, Limited,
hereby appoint _____ of _____

as my proxy, to vote for me
and on my behalf at the _____ ordinary or extraordinary

*The Indian Companies Act, 1913.**(The Third Schedule)*

nary, as the case may be] general meeting of the company to be held on the _____ day of _____ and at any adjournment thereof

Signed this _____ day of _____

Directors.

25 The number of the directors and the names of the first directors shall be determined by the subscribers of the memorandum of association

26 Until directors are appointed, the subscribers of the memorandum of association shall for all the purposes of the Indian Companies Act, 1913, be deemed to be directors

Powers of Directors

27 The business of the company shall be managed by the directors, who may exercise all such powers of the company as are not by the Indian Companies Act, 1913, or by any statutory modification thereof for the time being in force, or by these articles, required to be exercised by the company in general meeting, but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made

Elections of Directors

28 The directors shall be elected annually by the company in general meeting

Business of Company.

(Here insert rules as to mode in which business of insurance is to be conducted.)

Audit

29 Auditors shall be appointed and their duties regulated in accordance with sections 144 and 145 of the Indian Companies Act, 1913, or any statutory modification thereof for the time being in force, and for this purpose the said sections shall have effect as if the word "members" were substituted for "shareholders," and as if "first general meeting" were substituted for "statutory meeting"

Notices.

30. A notice may be given by the company to any member either personally, or by sending it by post to him to his registered address.

31 Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and, unless the contrary is

proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Names, Addresses and Descriptions of Subscribers

"1. A B of

"2 C D of

"3 E F of

"4 G H of

"5. I J. of

"6 K L. of

"7 M N. of

Dated the _____ day of _____ 19 ____

Witness to the above signature.

X Y, of _____

FORM C.

(See sections 7 and 151)

MEMORANDUM AND ARTICLES OF ASSOCIATION
A COMPANY LIMITED BY GUARANTEE, A
HAVING A SHARE CAPITAL

Memorandum of Association

1st—The name of the company is "The Snowy Range Hotel Company, Limited"

2nd—The registered office of the company is to be situate in the province of Bengal

3rd—The objects for which the company established are "the facilitating travelling in Snowy Range, by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object"

4th—The liability of the members is limited

5th—Every member of the company undertakes to contribute to the assets of the company in event of its being wound up while he is a member or within one year afterwards, for payment of debts and liabilities of the company, contract before he ceases to be a member, and the charges and expenses of winding up the same for the adjustment of the rights of the contributors amongst themselves, such amount as he is required, not exceeding fifty rupees

6th—The share capital of the company consists of five hundred thousand rupees, divided into five thousand shares of one hundred rupees each

We, the several persons whose names and addresses are subscribed, are desirous of forming into a company, in pursuance of

The Indian Companies Act, 1913
(The Third Schedule)

FORM E.

AS REQUIRED BY PART II OF THE ACT.

(See section 32)

Summary of Share Capital and Shares of the Company, Limited, made up to the day of 19 (being the day of the first ordinary general meeting in 19)

Nominal share capital Rs. divided { shares of Rs each
into* { shares of Rs each

Total number of shares taken up* to the day of 19 which number must agree with the total shown in the list as held by existing members }

Number of shares issued subject to payment wholly in cash.

Number of shares issued as fully paid up otherwise than in cash

Number of shares issued as partly paid up to the extent of per share otherwise than in cash. }

† There has been called up on each—of shares . Rs
There has been called up on each—of shares Rs.
There has been called up on each—of shares ... Rs.

† Total amount of calls received, including payments on application and allotment } Rs

Total amount (if any) agreed to be considered as paid on shares which have been issued as fully paid up otherwise than in cash } Rs.

Total amount (if any) agreed to be considered as paid on shares which have been issued as partly paid up to the extent of per share } Rs.

Total amount of calls unpaid Rs.

Total amount (if any) of sums paid by way of commission in respect of shares or debentures on allowed by way of discount since date of last summary } Rs.

Total amount (if any) paid on shares forfeited . } Rs

Total amount of shares and stock for which share-warrants are outstanding } Rs

Total amount of share-warrants issued and surrendered respectively since date of last summary .. } Rs

Number of shares or amount of stock comprised in each share-warrant... } Rs.

Total amount of debt due from the company in respect of all mortgages and charges which are required to be registered with the registrar under this Act } Rs

*When there are shares of different kinds or amounts (e.g., Preference and Ordinary or Rs 200 or Rs 100), state the numbers and nominal values separately.

†Where various amounts have been called or there are shares of different kinds, state them separately.

‡Include what has been received on forfeited as well as on existing shares.

§State the aggregate number of shares forfeited.

List of Persons holding shares in the Company Limited, on the day of 19 , and of persons who have held shares herein at any time since the date of the last return, showing their names and addresses and an account of the shares so held

| NAMES, ADDRESSES AND OCCUPATIONS | | | | ACCOUNT OF SHARES | | | | | |
|----------------------------------|---------------|---------|---------------------|---|---|---|---|---|---------|
| Name in full | Father's name | Address | Occupation or trade | * Number of Shares held by existing Members at date of Return | § PARTICULARS OF SHARES TRANSFERRED SINCE THE DATE OF THE LAST RETURN BY PARTIAL TRANSFER | § PARTICULARS OF SHARES TRANSFERRED SINCE THE DATE OF THE LAST RETURN BY PARTIAL TRANSFER | § PARTICULARS OF SHARES TRANSFERRED SINCE THE DATE OF THE LAST RETURN BY PARTIAL TRANSFER | § PARTICULARS OF SHARES TRANSFERRED SINCE THE DATE OF THE LAST RETURN BY PARTIAL TRANSFER | REMARKS |
| | | | | Number + | Date of Registration of Transfer | Number + | Date of Registration of Transfer | | |

* State the aggregate number of shares forfeited (if any)

† The aggregate number of shares held, and not the distinctive numbers, must be stated, and the column must be added up throughout so as to make one total to agree with that stated in the summary to have been taken up

‡ When the shares are of different classes, these columns may be subdivided so that the number of each class held or transferred may be shown separately.

§ The date of registration of each transfer should be given as well as the number of shares transferred on each date. The particulars should be placed opposite the name of the transferor and not opposite that of the transferee, but the name of the transferee may be inserted in the Remarks column immediately opposite the particulars of each transfer.

Names and addresses of the persons who are the Directors of the , Limited, on the day of 19

| Names. | Addresses. |
|--------|------------|
| | |

Names and addresses of the persons who are the managers of the , Limited, on the day of 19

| Names. | Addresses. |
|--------|------------|
| | |

NOTE.—Banking companies must add a list of all their places of business.

I, do hereby certify that the above list and summary truly and correctly states the facts as they stood on day of 19 .

(Signature)

(State whether director, manager or secretary.)

The Indian Companies Act, 1913.

(The Third Schedule)

FORM F.

(See section 132)

LIMITED.

Balance-sheet as at.

19 .

| CAPITAL AND LIABILITIES | | | PROPERTY AND ASSETS | | | Rs | As | P | Rs | As | P |
|--|--|--|---|--|--|----|----|---|----|----|---|
| CAPITAL— | | | FIXED CAPITAL EXPENDITURE | | | | | | | | |
| Authorized Capital shares of Rs each | | | (Distinguishing as far as possible between expenditure upon goodwill, land, buildings, leaseholds, railway sidings, plant, machinery, furniture, development of property, patents, trade marks and designs, interest paid out of Capital during construction, etc., and stating in every case the original cost and the total Depreciation written off under each head) | | | | | | | | |
| Issued Capital shares of Rs each | | | | | | | | | | | |
| Subscribed Capital shares of Rs each | | | | | | | | | | | |
| Amount called up at Rs. per share | | | | | | | | | | | |
| Less—Calls unpaid | | | | | | | | | | | |
| Add—Forfeited shares (amount paid up) | | | | | | | | | | | |
| RESERVE FUND OR DEVELOPMENT FUND | | | | | | | | | | | |
| NY SINKING FUND | | | | | | | | | | | |
| NY OTHER FUND CREATED OUT OF NET PROFITS | | | | | | | | | | | |
| NY PENSION OR INSURANCE FUND | | | | | | | | | | | |
| PROVISION FOR BAD AND DOUBTFUL DEBTS | | | | | | | | | | | |
| LOANS ON MORTGAGE OR MORTGAGE DEBENTURE BONDS | | | | | | | | | | | |
| LOANS OTHERWISE SECURED (Stating the nature of security) | | | | | | | | | | | |
| LOANS UNSECURED | | | | | | | | | | | |
| INTEREST | | | | | | | | | | | |
| Accrued on Mortgages, Debentures or other Secured Loans | | | | | | | | | | | |
| UNCLAIMED DIVIDENDS | | | | | | | | | | | |
| LIABILITIES | | | | | | | | | | | |
| For Goods supplied | | | | | | | | | | | |
| „ Expenses | | | | | | | | | | | |
| „ Acceptances | | | | | | | | | | | |
| „ Other Finance | | | | | | | | | | | |
| ADVANCE PAYMENTS AND UNEXPIRED DISCOUNTS | | | | | | | | | | | |
| (For the portion for which value has still to be given, e.g., in the case of the following classes of Companies—Newspaper, Fire Insurance, Theatre, Club, Banking, Steamship Companies, &c.) | | | | | | | | | | | |
| PROFIT AND LOSS | | | | | | | | | | | |
| Balance as per previous Balance Sheet | | | | | | | | | | | |
| Less—appropriation thereof | | | | | | | | | | | |
| Balance brought forward | | | | | | | | | | | |
| Profit since last Balance Sheet | | | | | | | | | | | |
| (N.B.—These details need not be given if the same be contained in a Profit and Loss account attached to the Balance Sheet.) | | | | | | | | | | | |
| CONTINGENT LIABILITIES— | | | | | | | | | | | |
| Claims against the Company not acknowledged as debts | | | | | | | | | | | |
| Moneys for which the Company is contingently liable | | | | | | | | | | | |
| Amounts of Cumulative Preference Dividends | | | | | | | | | | | |
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The Indian Companies Act, 1913
(The Third Schedule)—concl.

FORM G

(See section 136)

FORM OF STATEMENT TO BE PUBLISHED BY BANKING
 AND INSURANCE COMPANIES AND DEPOSIT, PRO-
 VIDENT, OR BENEFIT SOCIETIES

* The share capital of the company is Rs
 divided into shares of each

The number of shares issued is
 Calls to the amount of Rs per share have been made,
 under which the sum of Rs has been received

The liabilities of the company on the thirty-first day of
 December (or thirtieth of June) were —

Debts owing to sundry persons by the company

Under decree, Rs

On mortgages or bonds, Rs

On notes, bills or hundis, Rs

On other contracts, Rs

On estimated liabilities, Rs

The assets of the company on that day were

Government securities [stating them], Rs

Bills of exchange, hundis and promissory notes, Rs

Cash at the Bankers, Rs

Other securities, Rs

* If the company has no capital divided into shares, the
 portion of the statement relating to capital and share must be
 omitted

*The Indian Companies Act, 1913.**(The Fourth Schedule)*

THE FOURTH SCHEDULE

(See section 290.)

ENACTMENTS REPEALED.

| 1 | 2 | 3 | 4 |
|----------|-----|---|---|
| Year | No | Subject or short title. | Extent of repeal |
| 1882 .. | VI | The Indian Companies Act, 1882 ... | So much as has not been repealed. |
| 1887 | VI | The Indian Companies Act (1882) Amendment Act, 1887 | The whole |
| 1891 .. | XII | The Amending Act, 1891 | So much of the Second Schedule as relates to the Indian Companies Act, 1882 |
| 1895 .. | XII | The Indian Companies (Memorandum of Association) Act, 1895. | The whole |
| 1899 | IX | The Indian Arbitration Act, 1899 | The second proviso to section 3 relating to the Indian Companies Act, 1882 |
| 1900 ... | IV | The Indian Companies (Branch Registers) Act, 1900 | The whole. |
| 1910 ... | IV | The Indian Companies (Amendment) Act, 1910 | The whole. |

W H VINCENT,

Secretary to the Government of India.

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 27th March, 1913, and is hereby promulgated for general information —

ACT No VIII of 1913

An Act further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, It is hereby enacted as follows —

1. This Act may be called the Indian Criminal Law Amendment Act, 1913
2. In section 40 of the Indian Penal Code, after the word and figures "Chapter IV", the word, figure and letter "Chapter VA" shall be inserted
3. After Chapter V of the said Code, the following Chapter shall be inserted, namely —

"CHAPTER VA

CRIMINAL CONSPIRACY.

120A. When two or more persons agree to do, Definition of criminal or cause to be done, — conspiracy

- (1) an illegal act, or
- (2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof

Explanation — It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object

120B (1) Whoever is a party to a criminal punishment of conspiracy to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punish-

ment of such a conspiracy, be punished in the same manner as if he had abetted such offence

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both "

4 In section 195, sub-section (3) of the Code of Criminal Procedure, 1898, before the words "the V of 1898 abetment", the words "criminal conspiracies to commit such offences and to" shall be inserted

5 After section 196 of the Code (of Criminal Procedure, 1898), the following section shall be inserted, namely —

"196A No Court shall take cognizance of the offence of criminal conspiracy punishable under section 120B of the Indian Penal Code,

XLV of 1860.

(1) in a case where the object of the conspiracy is to commit either an illegal act other than an offence, or a legal act by illegal means, or an offence to which the provisions of section 196 apply, unless upon complaint made by order or under authority from the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council in this behalf, or

(2) in a case where the object of the conspiracy is to commit any non-cognizable offence, or a cognizable offence not punishable with death, transportation or rigorous imprisonment for a term of two years or upwards unless the Local Government, or a Chief Presidency Magistrate or District Magistrate empowered in this behalf by the Local Government has, by order in writing, consented to the institution of the proceedings.

Provided that where the criminal conspiracy is one to which the provisions of sub-section (3) of section 195 apply no such consent shall be necessary

6 In Schedule II of the Code (of Criminal Procedure, 1898), after the entries relating to Chapter V, the entries contained in the Schedule hereto annexed shall be inserted

[His Honour the President]

The Hon'ble SHAIKH SHAHID HUSAIN, B A., LL.B
 The Hon'ble BABU MOTI CHAND.
 The Hon'ble MUNSEI ASGHAR ALI KHAN, KHAN BAHADUR, B A , LL.B
 The Hon'ble MR H LEDGARD
 The Hon'ble MR D C BAILLIE, CSI, ICS
 The Hon'ble MR G A TWEEDY, ICS
 The Hon'ble MR F W BROWNIGG, ICS
 The Hon'ble MR R BURN, ICS
 The Hon'ble MR H V LOVETT, CSI, ICS
 The Hon'ble MR A W. PIM, ICS
 The Hon'ble MR S P. O'DONNELL, ICS
 The Hon'ble MR C H HUTTON
 The Hon'ble MR W G WOOD
 The Hon'ble COLONEL C C MANIFOLD, IMS
 The Hon'ble LIEUT COLONEL C MACTAGGART, CIE, IMS
 The Hon'ble MR C F DE LA FOSSE
 The Hon'ble MR D M STRAIGHT
 The Hon'ble MR H R C HAILEY, ICS
 The Hon'ble MR E H ASHWORTH, ICS
 The Hon'ble CHAUDHRI MAHARAJ SINGH, RAI BAHADUR
 The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR
 The Hon'ble COLONEL HIS HIGHNESS THE NAWAB OF RAMPUR
 The Hon'ble KUNWAR ADITYA NARAYAN SINGH
 The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN, KCSI.
 The Hon'ble DR TEJ BAHADUR SAPRU, M A LL D

NEW MEMBERS

Each member present took the oath or affirmation of allegiance to the Crown prescribed by Regulation VII of the Regulations of the Governor General in Council for the nomination and election of members of the Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh and thereafter took his seat in Council.

HIS HONOUR THE PRESIDENT said —

"Gentlemen—Before we continue the business on the paper, I wish to offer you, the members of the new triennial Council, a cordial welcome to the scene of your labours. The first of the enlarged Councils in these provinces, which met under the presidency of Sir John Hewett, built up for itself a reputation second to none in India for the efficiency and the smoothness of its working. Cordial relations were established between the official members and their non-official colleagues and all interests in the Council collaborated in public-spirited sincerity for the good of the province and the people. There are a good many new faces here to-day, but it is my confident hope that the tradition of the previous Council will be maintained and fortified, that the spirit of consideration for each other will pervade our new labours, and that our work will be guided and governed by the sole thought of the people's welfare.

"There are one or two matters connected with the business before us which I wish to mention as they will be of interest to honourable members. The first is that I have nominated my old friend and *ustad* the Hon'ble Mr Baillie to the post of Vice-President of the Council once more, and I trust that he will accept the post. The second is a word of explanation regarding the change of the date for the election by the non-official members of this Council of the gentlemen who are to represent them on the Governor General's Council. That date, as you know, gentlemen, was to be to-day, but it was fixed on the assumption that the constitution of the Council would be completed by to-day. That unfortunately has not been found to be possible.

[*His Honour the President.*]

An election petition, which necessitated a somewhat protracted inquiry, has resulted in the notification at an unusually late date of the avoidance of the election for the Gorakhpur division, and the new election, which thus becomes necessary, has not yet been held.

"Another election petition raised an issue which, I think, had not been foreseen by most of us, namely, that a Government treasurer is, as such, an official, and consequently ineligible for election under the revised rules. An authoritative decision on this issue was obviously necessary, and I applied for such a decision from the Government of India. When that body decided that a Government treasurer is an official for the purposes of the Council regulations, I had no option but to cancel two elections, those for the Meerut division and the Cawnpore municipality. The municipal wheels moved quickly, and we are glad to see Rai Bishambhar Nath Bahadur among us to-day after the fatigues of his double contest. But the election for a division is a more cumbrous procedure, and Meerut is not yet equipped with a member. I have also been unable yet to gazette the nominated representative of Indian commerce, so that we meet to-day an incomplete Council. Foreseeing this, and believing as I do that it will be more consonant with the wishes and with the dignity of members that they should be able to meet in full strength for the important task of electing their representatives to the Imperial Council, I applied for and obtained the consent of the Government of India to postpone the date of election to the 20th January instead of having it to-day. As I understand that the first meeting of the Imperial Council at Delhi will probably be held on the 23rd January, this arrangement will give the elected representatives from our Council plenty of time to be in their seats at Delhi on the opening day.

"I should now like to explain briefly the probable lines of our work in the current session. The legislative programme promises to be a light one. The only bill which is practically ready for submission to the Council is a comparatively small measure for amending the law relating to the watch and ward of small town areas, commonly known as Act XX of 1856. I need not dwell on the objects of this measure. They are probably familiar to a number of honourable gentlemen, who have, as members of the rule 13 committee, had an opportunity of examining their provisions. The draft has now received the conditional approval of the Government of India and the Secretary of State, and it is our intention to introduce the measure at our next meeting. No other project of legislation is in the same state of forwardness, but there are several measures on the anvil with most of which I fancy you are more or less familiar.

"The first of these is a bill which will deal with the question of regulating succession in estates and offering landlords who so desire the opportunity of settling their estates by way of entail. This bill has been submitted to the Government of India for their consideration and has not yet returned. Then the committees appointed by my predecessor under rule 13 have been examining several measures, three of them relating to land revenue in Agra and in Oudh and to the Tenancy law in both these provinces. After that comes an important bill to amend the law governing municipalities. That measure has been drafted partly in consequence of the proposals of the Royal Commission on Decentralization and partly in order to meet various other defects which appear in the existing law upon the subject. Following this in order of preparedness, we have a small measure for dealing with minor irrigation works. A committee was appointed for examining this, but has not been able to meet owing to the expiry of the term of office of its members, and it is my hope that a fresh committee will now be appointed to take it up and deal with it. The only other subject regarding which legislation may be necessary is the proposal to codify the law relating to pre-emption of agricultural lands in the province of Agra. That bill however has not yet reached the stage of legislation. Opinions have been called for and are now coming in.

QUESTIONS AND ANSWERS

[His Honour the President, Babu Brijnandan Prasad, Mr Burn, Mr Wood]

"You see then, gentlemen, that our programme, so far as we can foretell, is at present an easy one, but it is my intention to stay at Allahabad with short breaks until the end of February and to hold here such meetings as may be necessary for the conduct of our business. The budget work will, I anticipate, be carried through in Lucknow. This seems to be in accordance with precedent, and so far as I can ascertain—and I have endeavoured to ascertain the wishes of individual members—it will be in accordance with the personal convenience of the majority."

"It will also in the present year have the additional advantage of enabling honourable members to be in Lucknow while the Royal Commission on the Public Services is holding its sittings there. I have just heard that the provisional programme of that Commission will bring them to Lucknow about the end of March or beginning of April, and the closing meetings of the Council will have to be regulated so as not to clash with the dates on which that body is engaged in the taking of evidence."

"Gentlemen, nothing now remains except to invoke the divine blessing upon our work and to declare the session open."

QUESTIONS AND ANSWERS

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"In view of the advantages of Council Government and in view of the fact that even the newly created province of Bihar and Orissa has already got an Executive Council, will the Government be pleased to take steps to get an Executive Council established in these provinces?"

The Hon'ble MR BURN replied — "The Lieutenant-Governor regrets that he is unable to make any statement."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Has the attention of Government been drawn to the letter headed 'Havoc worked by flood, piteous scenes' published in the *Leader* of the 28th August 1912, at page 6, column 2? Has the Government been able to ascertain how far the Oudh and Rohilkhand Railway line is responsible for causing or aggravating the damage caused by floods near the Garhmukteshwar Ganges bridge? Will the Government be pleased to order the taking of suitable steps, e.g. construction of culverts, outlets, &c., to stop or minimize in future the damage caused by floods so far as possible?"

The Hon'ble MR WOOD replied —

"The letter referred to appeared in the *Leader* of the 29th August 1912. During 1899—1901 the flooding of the country in the vicinity of the Railway line at Garhmukteshwar was fully investigated and discussed by the Railway and Civil officers, and the conclusion arrived at was that the Railway works had done more good than harm to the country generally, and that the small damage inflicted on the up-stream side was more than compensated by the benefit derived from the improvement on the down-stream side. Shortly after the construction of the line and bridge numerous petitions for compensation were submitted by the villagers to the Collector, but after he went over the ground with the Engineer-in-Chief of the line the claims were rejected. It was impossible to bridge the whole of the channels over which the river Ganges wandered. The bridge and its training works were constructed according to the most modern ideas and every attention paid to the drainage of the land subject to inundation. In these circumstances the Lieutenant-Governor is unable to move further in the matter."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Has the attention of Government been drawn to the fact that the floods in the Ramganga cause serious loss of life and property in villages near Moradabad and the gravity of loss is attributed to the fact that the Railway line from the Ramganga bridge causes the flood to be detained much longer for want of suitable culverts and outlets, and that since the construction of the Kashipur line there is longer detention of flood water and consequently greater loss? Will the Government be pleased to

QUESTIONS AND ANSWERS

[Mr. Wood; Babu Brijnandan Prasad, Mr. O'Donnell, Mr. Burn]

make the necessary inquiries and order the taking in hand of suitable measures to put a stop to the recurring losses so far as possible?"

The Hon'ble MR WOOD replied —

"It has been ascertained from the Agent, Rohilkhand and Kumaun Railway, that the flooding was due to heavy rains along the foot of the hills causing a rise of water level in the river Dhela flowing parallel to the railway. This river joins the Ramganga a short distance above the Ramganga bridge and as the Ramganga was in high flood at the same time the water of the Dhela river was dammed up to a great extent for a day or two, but on the fall of water level in the Ramganga the Dhela river also subsided.

"The land below the Railway embankment is at present protected from floods in the Dhela river by the Railway embankment itself and the probable effect of providing more waterways under the bank would be to increase the area under flood.

"The question of waterways has been carefully considered by the Railway Board, and the Agent of the Rohilkhand and Kumaun Railway is of opinion that it is not possible to avoid a certain amount of flooding at times."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Will the Government be pleased to lay a statement on the table showing separately the number of persons accused and convicted (fined or imprisoned) and the total amounts of fines inflicted in the districts of Almora, Naini Tal and Garhwal, respectively, during the last five years?"

The Hon'ble MR O'DONNELL replied —

"The honourable gentleman will find the information he desires in the criminal statements of the High Court published annually."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Is the Government aware that some civilian, probably in the Etawah district, has named his horses 'Raja Sahib' and 'Malaviyaji' (vide *Leader* 23rd August, 1912, page 3, column 3)? What action has the Government taken or proposes to take in the matter?"

The Hon'ble MR BURN replied —

"The Lieutenant-Governor understands that a certain official has called one of his horses 'Raja' because it had excellent manners. Another of his horses has been termed, 'Maulvi Sahib' by a Muhammadan syce. He had no horse called 'Malaviyaji'. The conversation described in the article quoted appears to be an effort of the imagination."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Is no allowance for conveyance given to sub-assistant surgeons in charge of travelling dispensaries (*Leader* dated the 27th August, 1912, page 3, column 4)? If so, how are they expected to go from village to village? Will the Government be pleased to grant them some allowance to enable them to go on horseback or on some conveyance?"

The Hon'ble MR O'DONNELL replied —

"Sub-assistant surgeons in charge of travelling dispensaries receive a conveyance allowance of Rs 15 per mensem."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Has the attention of Government been drawn to the letter in the *Leader*, dated 10th September, 1912, page 7, column 3, regarding the prohibition of singing of *bhajans* in the Arya Samaj Mandir at Naini Tal? Is it a fact that the place where the Muhammadans used to congregate was a shop and not a place of ordinary worship? Will the Government be pleased to state upon what grounds singing *bhajans* in a place of public gathering like Arya Samaj Mandir was interfered with?"

The Hon'ble MR BURN replied —

"The Lieutenant-Governor has seen the letter quoted, and has had inquiries made into the facts. It appears that the places occupied by the Muhammadans are

QUESTIONS AND ANSWERS.

[*Babu Brijnandan Prasad, Mr Burn, Rai Ganga Prasad Varma Bahadur ; Mr O'Donnell.*]

shops and not places of worship The reason for prohibiting the singing of *bhajans* during prayer time in the month of *Ramazan* is reported to be as follows —

"The shops of the Muhammadans have been occupied by them for twelve years The Arya Samaj Manfir is in a building erected in 1907 or 1908 and, until recently, known as the Gyanodaya library It was used as a debating club, girls' school, and reading-room The singing of *bhajans* is reported to have first begun in 1911 In that year the Muhammadans, who have long been in the habit of reading the *Quran* and reciting evening prayers there during *Ramazan*, asked that the singing of *bhajans* might be discontinued during the prayer time of the Muhammadans The request was held to be reasonable and an amicable agreement was arrived at to that effect A similar arrangement was suggested in 1912, but fell through, and action had to be taken by the Magistrate The Lieutenant-Governor hopes that the matter will in future be settled by mutual arrangement with due regard for the religious feelings of either party"

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Will the Government be pleased to state what is the proportion of Hindus and Muhammadans in the Police department and among the tahsildars?"

The Hon'ble MR BURN replied —

"Of the total police force 54·2 per cent are Hindus and 44·9 are Muhammadans Of the tahsildars 52·8 are Hindus and 45·8 are Muhammadans"

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"How many posts carrying Rs. 500 per mensem or more are held by (1) Europeans, (2) Hindus and (3) Muhammadans in these provinces?"

The Hon'ble MR BURN replied —

"There are 776 posts carrying Rs 500 per mensem or more in this province, of these, 620 posts are held by Europeans, 105 by Hindus, 48 by Muhammadans and three by Parsis"

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Has the attention of the Government been drawn to a letter in the *Leader* of the 3rd December, 1912, by a poor purdah-nashin, under the heading "Dufferin and other hospitals and poor patients?"

"(a) Is it or is it not a fact that the private wards in connection with the Dufferin and other charitable institutions are intended for the accommodation of middle class patients who are too poor to pay for the doctor at their homes but are of a higher class of respectability than those who flock to the general ward?"

"(b) Is it or is it not a fact that in the Agra Medical School hospital a regular scale of fees both for attendance and operations is charged from occupants of these private wards both by the Civil Surgeon and his assistants?"

"Has this practice been sanctioned by Government and if not, will the Government kindly see that this is stopped?"

The Hon'ble MR O'DONNELL replied —

"The Local Government has seen the letter referred to.

"(a) The answer is in the negative All accommodation in the Dufferin and other charitable institutions is primarily intended for patients of any class who are unable to pay for the services of a doctor at their homes

"(b) The answer is in the negative The payment of fees was stopped by the Inspector-General of Civil Hospitals at his last inspection"

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to lay upon the table a circular issued in the time of Colonel Walker, I.M.S., Inspector-General of Civil Hospitals, to the effect that a moiety of major surgical operations in sadr hospitals is to be performed by the

QUESTIONS AND ANSWERS.

INFORMATION AS TO QUESTIONS ASKED AT THE PREVIOUS COUNCIL MEETING.

[*Mr. O'Donnell, Rai Gangi Prasad Varma Bahadur, Mr. Pim*]

Civil Assistant Surgeon in charge and whether this circular is still in force and the Civil Assistant Surgeons are allowed to perform the required number of major surgical operations? "

The Hon'ble MR O'DONNELL, replied —

"(a) There is no record of the circular referred to

"(b) The honourable member is referred to the answer given to the question asked by him at the meeting of the Council in September 1910 "

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state whether a memorial praying for the increase of pay and prospects, as has been sanctioned for Bihar and Bengal, submitted by the Civil Assistant Surgeons to the Inspector-General of Civil Hospitals in May last, has been received by the Government, and if so, what action has been taken upon it?"

The Hon'ble MR O'DONNELL replied —

"The memorial referred to has been received, and is under the consideration of the Government "

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Is the Government aware that the Lucknow Cantonment Committee by their Resolution no 129, dated the 28rd March, 1912, have restricted the rights of owners to recover from tenants the house tax imposed on the grounds that the said tax is a property tax and is not recoverable from tenants ?

"Will the Government be pleased to state if owners of houses within the limits of any municipality of these provinces in which house tax has been imposed are subjected to any such restrictions? If not, will the Government be pleased to direct the Lucknow Cantonment Committee to follow the practice prevailing in other municipalities according to instructions laid down in Local Government Rules, Municipal department, Volume II, Chapter XI, and G G O (M D) no 145C, dated the 19th August 1890, according to which the mode of taxation should be similar to that in municipalities?"

The Hon'ble MR PIM replied —

"The Local Government is not aware that the Lucknow Cantonment Committee, by the Resolution to which the honourable gentlemen alludes, restricted the rights of owners. The Committee declined to advise the issue of a Brigade Order directing the occupants of houses in the cantonment not to object to pay the house tax if added to their rents

"The Local Government is not aware that the owners of houses in any municipality in these provinces are restricted in recovering a house tax from the occupants. But the relations between owner and tenant of houses in cantonments are covered by special provisions in the Cantonment Code "

INFORMATION AS TO QUESTIONS ASKED AT THE PREVIOUS COUNCIL MEETING

The Hon'ble MR PIM said. —

"The statement in reply to question no 89 asked at the Council meeting held on the 1st August, 1912, by the Hon'ble Mr Shahid Husain, is laid on the table "

(SEE APPENDIX)

The Hon'ble MR O'DONNELL said —

"The following is the answer to question no 78 asked by the Hon'ble Rai Ganga Prasad Varma Bahadur at the Council meeting held on the 1st August, 1912:—

"The number of failures from the recognised English Schools in the last Matriculation Examination of the University was 1,080 and the number of places available in Class X (Matriculation) of Schools, after students from Class IX had been promoted, was 1,338. Of the failures 904 found admission no special arrangements were made or were considered necessary for the remainder "

RESOLUTION

[*Maharaja Sir Bhagwati Prasad Singh, His Honour the President; His Highness the Nawab of Rampur, Khwaja Ghulam-us-Saqlain.*]

RESOLUTION

The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH moved that rule 5 of the rules for the discussion of matters of general public interest might be suspended

HIS HONOUR THE PRESIDENT declared the rule suspended

The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH then said —

"I beg to move the following resolution — 'That this Council recommends to the Lieutenant-Governor that a message be submitted to His Excellency the Viceroy expressing our profound grief and indignation at the dastardly and atrocious outrage committed on Their Excellencies, Lord and Lady Hardinge, on their state entry into Delhi on the 23rd of last month'

"After the memorable visit of His Imperial Majesty the King-Emperor and the boons announced at the Delhi Darbar, it was hoped that anarchists would no more disturb the tranquillity of the country, and that India would enjoy a period of unbroken peace and prosperity. There was not the faintest breath of suspicion in any quarter, I believe, that any untoward incident was likely to happen at Delhi on the 23rd December. The Delhi atrocity (not to mention the recent bomb incident at Midnapur, which occurred only a few days before the state entry into Delhi, and which was probably purely an act of private revenge)—the Delhi atrocity, therefore, comes as a most unpleasant reminder, that though the anarchist movement is moribund, it is not yet dead, that we have still to reckon with it; that the evil seed sown is still bearing fruit, though at long intervals. The problem of the future is to root out the evil, which is a disgrace to the country and is retarding its peaceful progress. The thing can only be done with the loyal, vigilant, active, and intelligent co-operation of all persons who have really at heart the welfare of India.

"It is inexpressibly sad that a Viceroy who has done so much for this country, who is so sympathetic with legitimate Indian aspirations, and who is inspired with such touching solicitude for the real well-being of the people committed to his charge, should be the victim of a foul crime, which has sent a thrill of horror and indignation throughout the length and breadth of this country, and has filled us all with deep shame, humiliation and sorrow. The spontaneous and genuine outburst of grief, and heartfelt sympathy evoked by the outrage has, however, to some extent, redeemed the good name of India. But it would be a dire calamity if the bomb thrower and his associates, if he had any, are not speedily brought to justice. Lady Hardinge had a most providential escape, and her self-possession and fortitude during a most trying time have rightly elicited unstinted admiration from all quarters and immeasurably raised the dignity of British womanhood. We all pray to God in all sincerity and humility to ease the pain of our noble Viceroy and to grant him speedy recovery."

The Hon'ble THE NAWAB OF RAMPUR seconded the resolution

The Hon'ble GHULAM-US-SAQLAIN said —

"I would only add a few words to what has been said. This act in the recent history of India has not only been a cause of sorrow, but it has also been a cause of uniting all sorts of subjects of His Majesty, Hindus, Muhammadans and Christians, in sympathy with His Excellency the Viceroy. Whatever may have been the motive of the coward who has committed it, certainly, Your Honour, he must have intended that the friendly feelings and the solidarity which has been created of recent years should be shaken. But he has failed in that. And I may say with my limited experience that since the lamented demise of Her Majesty Queen Victoria, there has never been an outrage in India, which has evoked such universal feeling of indignation and such heart-felt sympathy with the Viceroy, who has been sympathetic and whose administration has been a cause of hopefulness to our countrymen. All the Legislative Councils that have been held have passed resolutions, and I believe that we in all sincerity and with the greatest enthusiasm will join with other members of our

RESOLUTION.

[*Dr. Sundar Lal; Dr. Tej Bahadur Sapru, Sayyid Raza Ali, Raja Sir Muhammad Tasadduq Rasool Khan; His Honour the President.*]

country and will pray that His Excellency may soon recover, and that whoever does the least injury to the head of the executive Government in India, also does the greatest injury to the people of this country."

The Hon'ble DR SUNDAR LAL said —

"I beg to support the resolution which has been so ably moved by the Hon'ble the Maharaja of Balrampur and seconded by the Hon'ble the Nawab of Rampur. The resolution which is now before the Council is one which commends itself to every one, and requires no argument in support of it. It is one which carries conviction to everyone and on which we are all united and of one mind. The Maharaja of Balrampur has referred to the co-operation and assistance of the people, and I assure Your Honour that so far as that part of our duty is concerned, the people of these provinces will always be, and always have been ready to co-operate with the Government. A movement such as has been referred to by the Hon'ble Maharaja happily has never existed in these provinces, and I hope will never be at all heard of."

The Hon'ble DR TEJ BAHADUR SAPRU said —

"I desire to add a few words. I feel, however, that there has been no Viceroy in India, who has deserved so well—at any rate since the time of Lord Ripon—as Lord Hardinge. He has brought peace and prosperity to the country, and I feel that there is a genuine feeling among the educated classes that if there was a Viceroy whose life and safety ought to be a sacred trust with everyone of us it was Lord Hardinge. I desire only to say that I entirely agree with the Hon'ble Mr. Saqlain that even this has not been without good, for there has been a wave of indignation in the country such as we have never witnessed before, and Hindus, Muhammadans and Christians feel the more closely drawn to Lord Hardinge than ever before. At the same time I think a word of acknowledgement is due to the remarkable courage displayed on the occasion by Lady Hardinge."

The Hon'ble SAIYID RAZA ALI said —

"As coming from a district which is not very far from Delhi, I think it is the duty of us all not only to express indignation and horror at the dastardly attempt that was made on the life of His Excellency, but I think it is also our duty (all of us—I mean Hindus, Muhammadans and Christians) to give every help we possibly can to the Government and the police in detecting the criminal. I believe people are being examined in Delhi in connection with the crime, and I think this ought to be done outside Delhi as well. Of course it seems that this is not the work of an individual but of more than one. But in that case surely by uniting our efforts it is just possible that in some remote corner of the country we may be able to render some help which may lead to the arrest of the criminal."

The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN spoke in Urdu supporting the resolution, expressing admiration of the Viceroy's policy and work, and indignation at the criminal lunacy of the outrage.

HIS HONOUR THE PRESIDENT said —

"Gentlemen,—It is with intense gratification that I have listened to the kindly and sympathetic words in which the Hon'ble Maharaja of Balrampur has proposed this motion and in which it has been supported by the honourable gentlemen who spoke after. It is with no less gratification that I have seen the visible evidence of the sincerity of feeling which the motion has evoked in the minds of the whole Council. Inasmuch as none but non-official members have spoken, it is now fitting that I should express on behalf of the official members our warm concurrence in the terms of the motion. If I may summarize the speeches which we have heard, I think their effect would be that no more cruel, more objectless, more deplorable crime has been perpetrated in the short and mournful record of the anarchical movement in India, but that no event has done more to bring all sections in this

RESOLUTION •

[*His Honour the President*]

country, Indian and European, Hindu and Muhammadan, the prince and the peasant, into one common sentiment of heartfelt detestation of the outrage and of loyal and loving sympathy with the Viceroy against whom the assassin's hand was raised and the courageous lady who shared in his danger. It is our fervent and dearest hope that Lord Hardinge's recovery will be rapid and that he will find in the affection of the people of India fresh inspiration for the great work that lies before him.

"The motion before the Council is—'That this Council recommends to the Lieutenant Governor that a message of sympathy be submitted to Their Excellencies expressing our profound grief and indignation at the dastardly and atrocious outrage committed on Their Excellencies, Lord and Lady Hardinge, on the occasion of the state entry into Delhi on the 23rd December 1912.' I suggest, gentlemen, that we depart from the ordinary procedure and that all who are in favour of this motion will rise in their seats."

The motion was carried unanimously—all members standing.

Continuing, HIS HONOUR THE PRESIDENT said —

"The only other business concerns the non-official members, who will, after we dissolve, meet for the purpose of electing representatives of the Finance Committee. The Council is adjourned to the 20th of January."

ALLAHABAD
The 6th January 1913

W K PORTER,
Secretary Legislative Council,
United Provinces

APPENDIX

Statement showing the number of appointments carrying a salary of over Rs 100 in the post offices of the United Provinces and in the Oudh and Rohilkhand Railway and the nationality of the incumbents in the various grades.

Post Offices

| | | | | |
|-------------|-----|-----|-----|----|
| Europeans | ... | ... | .. | 38 |
| Hindus | .. | ... | .. | 27 |
| Muhammadans | ... | ... | ... | 7 |
| Parsis | ... | ... | . | 1 |
| Total | | | | 68 |

Oudh and Rohilkhand Railway.

| | | | |
|------------------------------------|-----|-----|-----|
| European and Anglo-Indian officers | ... | .. | 61 |
| Subordinates | ... | .. | 336 |
| Hindu officers | ... | ... | 7 |
| Subordinates | .. | .. | 65 |
| Muhammadan officers | .. | .. | 20 |
| Subordinates | | . | 14 |
| Parsi officers | .. | . | Nil |
| Subordinates | .. | ... | 7 |
| Total | | .. | 510 |



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THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to
this part, in order that it
may be filed as a separate
compilation

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ALLAHABAD, SATURDAY, JANUARY 25, 1913

PART VII.

LEGISLATIVE DEPARTMENT.

GOVT, UNITED PROVINCES

BILL No. I OF 1913.

The following bill was introduced into the Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh for the purpose of making Laws and Regulations, on the 22nd January, 1913.—

THE UNITED PROVINCES TOWN AREAS IMPROVEMENT BILL, 1913.

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A

BILL

To make provision for the sanitation, lighting and improvement of town areas in the United Provinces of Agra and Oudh

WHEREAS it is expedient to make provision for the sanitation, lighting and improvement of town areas in the United Provinces of Agra and Oudh, It is hereby enacted as follows —

1 (1) This Act may be called the United Provinces
Town Areas Improvement Act,
Short title 191 , and

(2) It extends to the territories for the time being
administered by the Lieutenant-Gov-
Local extent ernor of the United Provinces , and

(3) It shall come into force at once, but it shall
not become operative in any town
Commencement area until the Local Government
shall, by notification in the gazette, declare it to be opera-
tive therein

Provided that this Act shall not be declared operative
in any agricultural village

Act XX of
1856.

2 The Bengal Chaukidari Act, 1856, in so far as it
extends to the United Provinces of
Repeal Agra and Oudh, is hereby repealed,
but all references to it contained in other enactments and
in rules made thereunder shall, so
Saving clause far as may be practicable, be taken to
be made to this Act

3 In this Act, unless there is
Definitions something repugnant in the subject
or context, -

- (1) "town area" means any town, suburb, station, bazar, or any union of towns, suburbs, stations, bazars or of parts thereof, in which the provisions of this Act have been declared to be operative,
- (2) "magistrate" means the sub-divisional magistrate in charge of the sub-division within which any town area is situated, or such other magistrate as the district magistrate may appoint to carry out the duties of a magistrate under this Act,
- (3) "house" includes any shop, warehouse or enclosure used for keeping carts or cattle,
- (4) "land" does not include land used for agricultural or pastoral purposes,
- (5) "bazar" means any place of trade where there is a collection of shops or warehouses,
- (6) "annual value" means the gross annual rent at which any house or land may be reasonably expected to let from year to year

4 The Local Government may, by notification to be published in the gazette, unite, for the purpose of *applying the provisions of this Act thereto*, any town, suburb, station, or bazar, or any part or parts of a town, suburb, station, or bazar, with any other town, suburb, station, or bazar, or part or parts of a town, suburb, station, or bazar.

5 For the purposes of this Act the Local Government may define and declare the limits of any town area, and all occupiers of houses or lands within the limits defined as aforesaid shall be liable to be taxed according to the provisions of this Act, for the purpose of carrying out and maintaining the sanitation, lighting and improvement of such town area.

6 If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who lets the same, or who receives or is entitled to receive the rents or payments from such persons or lodgers or travellers, shall, for the purposes of this Act, be deemed to be the occupier of such house.

7 The magistrate may cause a name to be given to any street and affixed in such place or places as he may think fit, and may also cause a number to be affixed to every house in any street or muhalla, for the purpose of identifying such house; and any person who wilfully removes, obliterates, or destroys such name or number shall be liable, on conviction by a magistrate, to a fine not exceeding twenty rupees.

8 For each town area there shall be formed a town fund, and there shall be placed to the credit thereof—

- (a) the proceeds of any tax imposed under the provisions of this Act,
- (b) all fines realized in cases in which prosecutions for offences committed within the limits of such town area are instituted under this Act or the rules made under it, or under section 34 of the Police Act, 1861, or under any other Act or rules under it, in which provision is made for the credit of such fines to the town fund,
- (c) the balance (if any) standing at the credit of the *chaukidari* fund of any town comprised in such town area at the commencement of this Act;
- (d) all sums ordered by a court to be placed to the credit of the town fund,
- (e) the sale proceeds of manure and other materials sold in execution of the purposes of this Act,
- (f) such portion of the rent or other proceeds of nazul property as the Local Government may direct to be placed to the credit of the town fund;
- (g) sums contributed to the town fund by any district board;
- (h) all sums received by way of loan or gift, and

V of 1861.

- (2) such other sums as may be assigned to the town fund by the general or special orders of the Local Government

9 Subject to such rules as the Local Government may prescribe, the town fund shall be under the control of the magistrate and shall be applied to—

- (a) the repayment of the principal and interest of any sum advanced as a loan by the Local Government for the purposes of this Act,
- (b) the payment of the salary and allowances of the establishment entertained under this Act;
- (c) the purchase of stationery and other contingent expenditure necessary for the purposes of this Act,
- (d) the payment of all expenses incurred in carrying out the sanitation, lighting and improvement of the town area,
- (e) the payment of any other sums which the Local Government may declare to be an appropriate charge on the town fund.

10 (1) Subject to such rules as the Local Government may prescribe, the magistrate shall for every town area constitute one or more *panchayats* as may be necessary and shall appoint the members thereof

(2) Every *panchayat* so constituted shall in addition to the duties prescribed by this Act perform such other duties as the Local Government may by rules prescribe

11 Any person appointed a member of a *panchayat* who without reasonable excuse refuses to undertake the office or omits to perform the duties thereof shall be punishable with fine which may extend to fifty rupees

Provided that no person shall be bound to serve on a *panchayat*—

- (a) who does not reside or carry on business within the limits of the town area, or if in any town area more *panchayats* than one are constituted, then within the limits of the division of a town area for which the *panchayat* is to be appointed,
- (b) for more than one year at a time or within a period less than three years from the date of the expiry of previous service.

12. The district magistrate shall annually determine the amount required to be raised in any town area for the purposes of this Act and, subject to such rules as the Local Government may prescribe, may, for the purpose of raising such amount, impose a tax assessed according to the circumstances of the persons liable thereto, or a tax on houses and lands according to the annual value thereof.

Provided that in the case of a tax assessed according to circumstances as aforesaid the amount assessed in respect of any one person shall not exceed five rupees per month,

and in the case of a tax on houses and lands the amount shall not exceed five per cent of the annual value of the house or land

13 (1) Subject to such rules as the Local Government may prescribe, the assessment of every tax imposed under section 12 shall be made from time to time as the magistrate may require by a *panchayat* constituted under section 10

(2) Any assessment made under sub-section (1) may be revised by the *panchayat* under the direction of the magistrate

(3) Every assessment shall be subject to confirmation by the magistrate and when so confirmed shall not during the period for which it is made be subject to alteration save in pursuance of an order passed in appeal under the provisions of section 17

14 (1) The magistrate shall cause a list of every assessment to be posted in a conspicuous place within the town area, and shall cause a register of assessments to be maintained at such place and in such manner as the Local Government may by rules prescribe

(2) Every such register shall be open to inspection and copies of the entries thereon shall be given on such conditions as the Local Government may by rules prescribe.

15 If any *panchayat* refuses or omits to perform any duty required of it under this Act, the magistrate may perform such duty, and any assessment made or revised by the magistrate in exercise of the power conferred by this section may be enforced as if it had been made or revised by the *panchayat*.

16 Subject to such rules as may be prescribed by the Local Government the district magistrate may, by order, exempt in whole or in part from the payment of any tax imposed under this Act, any person or class of persons

17 (1) An appeal against the assessment or levy of any tax under this Act shall lie to the district magistrate or to such magistrate as he may appoint in this behalf, without payment of any court fee

(2) No appeal shall lie unless it is preferred within thirty days from the date when the first demand of the tax is made

(3) The decision of such magistrate shall be final and shall not be called in question in any court

18 (1) Subject to such rules as may be prescribed by the Local Government the magistrate may appoint for each town area tax collectors and such other servants as may be necessary for carrying out the purposes of this Act and may assign to them such salaries and allowances as he may deem fit.

(2) Subject to such rules as aforesaid the magistrate may punish or dismiss any tax collector or servant so appointed

(3) Every tax collector and servant so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code

XLV of 1860

19. Acreage of any tax imposed under this Act may be recovered on application to a magistrate having jurisdiction within the limits of the town area or in any other place where the defaulter may for the time being reside by the distress and sale of any movable property within the limits of such magistrate's jurisdiction belonging to such defaulter

20. No tax collector or other servant appointed under this Act shall purchase any property sold at a sale held under the provisions of section 19

21. (1) Subject to such rules as the Local Government may prescribe, the district magistrate may by general or special order in writing provide for all or any of the following matters within the town area, namely—

- (a) the protection from pollution and the periodical examination of all sources of water used for drinking purposes,
- (b) the prohibition of the removal from such sources or the use for drinking purposes of any water likely to engender or cause the spread of any dangerous disease,
- (c) the deposit of manure, refuse and other offensive matter, *provided that an order under this subsection shall not give power to the magistrate or the panchayat to sell or appropriate any manure, refuse, or other offensive matter belonging to an agriculturist who himself cultivates land within the limits of the town area or in a village contiguous therewith,*
- (d) the regulation of offensive callings or trades,
- (e) the disposal of corpses by burning or burial,
- (f) the excavation of earth and the filling up of all excavations and depressions injurious to health or offensive to the neighbourhood,
- (g) the removal of noxious vegetation,
- (h) the repair or removal of dangerous or ruinous buildings,
- (i) the disposal or destruction of materials likely to convey infection, and
- (j) the regulation of slaughter-houses

(2) A copy of every order issued under subsection (1) shall be posted in some conspicuous place within the town area.

(3) Every person guilty of a breach of any order issued under subsection (1) shall upon conviction be liable to a fine which may extend to ten rupees.

22 The district magistrate may by written order delegate to a sub-divisional magistrate all or any of the powers conferred by the preceding section in respect of all or any of the town areas within the limits of the district

23 (1) An order of the district magistrate under section 21 shall be final and shall not be called in question in any court

(2) An appeal shall lie to the district magistrate against any order passed by a sub-divisional magistrate under section 21.

(3) Such appeal shall be preferred within thirty days from the date when the order was passed

(4) The decision of the district magistrate in appeal shall be final and shall not be called in question in any court.

24. (1) The Local Government may by notification in the gazette extend to any town area the provisions of any section of the United Provinces Municipalities Act, 1900, subject to such restrictions and modifications (if any) as it may think fit.

(2) Where any section of the said Act has been so extended the functions of the municipal board shall, for the purposes of such section, be discharged by the district magistrate

25. (1) The Local Government may make rules consistent with this Act and applicable to all or any town areas—

(a) to regulate the proportions in which the town fund shall be expended for the purposes of this Act,

(b) to define the constitution of panchayats, the duties to be performed by them, and the conditions relating to the appointment or election and removal of the members thereof,

(c) to regulate the imposition, assessment and collection of taxes under this Act and to prevent evasion of the same,

(d) to provide for exemption from taxation,

(e) to regulate the appointment, punishment and dismissal of tax collectors and other servants appointed under this Act,

(f) to regulate the power of the district magistrate to issue orders for sanitation,

(g) to regulate the storage of more than a fixed maximum quantity of petroleum in any building within the town area.

(h) as to the preparation and sanction of plans and estimates which shall be necessary in the case of a work of construction involving expenditure from a town fund, and

U P. I. of
1900.

(1) generally for carrying out the purposes of this Act

(2) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication

26. Offences under this Act shall be triable by any magistrate within whose jurisdiction any such offence may have been committed.

STATEMENT OF OBJECTS AND REASONS

THE present Bill, to make provision for the sanitation, lighting and improvement of town areas in the United Provinces of Agra and Oudh, is intended to complete the process of providing by legislation for the sanitation of local areas.

It will apply to areas intermediate in size and importance between notified areas as constituted under the United Provinces Municipalities Act, 1900, and villages falling within the scope of the United Provinces Village Sanitation Act, 1892.

The Bill is intended to replace the Bengal Chaukidari Act, XX of 1856. That Act, which was mainly intended to provide for the appointment and maintenance of police chaukidars and only incidentally permitted the appropriation of surplus funds to the objects of the present Bill, has been rendered obsolete by the action of Government in relieving local bodies of police charges, and is otherwise unsuited to present requirements.

In accordance with the recommendations of the Decentralization Commission the Local Government is empowered to provide by rules for administrative powers being exercised by the local *panchayat*.

W K PORTER,

Secretary, Legislative Council, United Provinces.



Government Gazette,

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to
this part, in order that it
may be filed as a separate
compilation }

Published by Authority.

ALLAHABAD, SATURDAY, JANUARY 25, 1913

PART VII.

GOVT. UNITED PROVINCES

LEGISLATIVE DEPARTMENT.

**ABSTRACT OF THE PROCEEDINGS OF THE LEGISLATIVE
COUNCIL FOR THE UNITED PROVINCES OF AGRA AND
OUDH, ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS UNDER THE PROVISIONS OF
THE INDIAN COUNCILS ACTS, 1861 TO 1909.**

The Council met at the Mayo Hall, Allahabad, at 11 a.m., on Monday, the 20th January, 1913

PRESENT

The Hon'ble SIR JAMES SCORGIE MESTON, KCSI, LIEUTENANT-GOVERNOR,
presiding

The Hon'ble RANA SIR SHEORAJ SINGH, KCIE

The Hon'ble MUNSHI MAHADEO PRASAD, M.A., LL.B.

The Hon'ble DR SUNDAR LAL, RAI BAHADUR, B.A., LL.D., C.I.E

The Hon'ble SAIYID MUHAMMAD ABDUL RAUF,

The Hon'ble RAI SHANKAR SAHAI SAHIB

The Hon'ble BABU BALAK RAM

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR

The Hon'ble RAJA KUSHALPAL SINGH, M.A., LL.B.

The Hon'ble BABU BRIJNANDAN PRASAD, M.A., LL.B.

The Hon'ble PANDIT MOTI LAL NEHRU.

The Hon'ble RAI GOKUL PRASAD BAHADUR, M.A., LL.B.

The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH, KCIE.

NEW MEMBERS

QUESTIONS AND ANSWERS

[His Honour the President, Pandit Moti Lal Nehru.]

- The Hon'ble KHWAJA GHULAM-US-SAQLAIN, B.A., LL.B.
 The Hon'ble SAYYID RAZA ALI, B.A., LL.B.
 The Hon'ble SHAIKH SHAHID HUSAIN, B.A., LL.B.
 The Hon'ble BABU MOTI CHAND
 The Hon'ble MUNSHI ASGHAR ALI KHAN, KHAN BAHADUR, B.A., LL.B.
 The Hon'ble MR H LEDGARD
 The Hon'ble MR D C BAILLIE, CSI, ICS
 The Hon'ble MR G A TWEEDY, ICS
 The Hon'ble MR R BURN, ICS
 The Hon'ble MR A W. PIM, ICS
 The Hon'ble MR S P O'DONNELL, ICS.
 The Hon'ble MR W G WOOD
 The Hon'ble MR C F DE LA FOSSE
 The Hon'ble MR D M STRAIGHT
 The Hon'ble MR E H ASHWORTH, ICS
 The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR
 The Hon'ble COLONEL HIS HIGHNESS ALIJAH FARZAND-I-DILPAZIR DAULAT-I-INGLISHIA MUKELIS-UD-DAULA, NASIR-UL-MULK, AMIR-UL-UMRA, NAWAB SIR MUHAMMAD HAMID ALI KHAN BAHADUR, MUSTAID JANG, G.C.I.E., G.C.V.O., WALI OF RAMPUR, AIDE-DE-CAMP TO HIS MAJESTY THE KING-EMPEROR.
 The Hon'ble KUNWAR ADITYA NARAYAN SINGH
 The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN, K.C.S.I.
 The Hon'ble MR F MACKINNON
 The Hon'ble DR TEJ BAHADUR SAPRU, M.A., LL.D.
 The Hon'ble LALA SUKHBIR SINGH
 The Hon'ble RAJA FRANCIS XAVIER SHIAM RIKH.
 The Hon'ble RAI NATTHI MAL BAHADUR, C.I.E.
 The Hon'ble MUNSHI NARSINGH PRASAD, M.A., M.R.A.S.

NEW MEMBERS

The following honourable members made an oath or affirmation of allegiance to the Crown prescribed by Regulation VII of the Regulations of the Governor General in Council for the nomination and election of members of the Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh and thereafter took their seats in Council —

- The Hon'ble RAJA FRANCIS XAVIER SHIAM RIKH
 The Hon'ble MR MACKINNON
 The Hon'ble LALA SUKHBIR SINGH
 The Hon'ble RAI NATTHI MAL BAHADUR, C.I.E.
 The Hon'ble MUNSHI NARSINGH PRASAD, M.A., M.R.A.S.

HIS HONOUR THE PRESIDENT read a letter conveying the warm acknowledgments of His Excellency the Governor General for the resolution passed at the previous meeting expressing the sympathy of the Council with him in connection with the recent attempt upon his life.

QUESTIONS AND ANSWERS

The Hon'ble PANDIT MOTI LAL NEHRU asked —

"Will the Government be pleased to state—

- (a) How many judges of the courts of small causes and subordinate judges of the 1st and 2nd grades are there in each of the provinces of Agra and Oudh, respectively?

QUESTIONS AND ANSWERS

[Mr Burn, Pandit Moti Lal Nehru, Dr. Tej Bahadur Sapru; Mr Pim]

(b) Which, if any, of the above have had experience of criminal work as assistant sessions judges for the period requisite to qualify them for appointment as district judges?

(c) Whether lack of such experience will bar future promotion of these officers to the post of district and sessions judge?
and

(d) How many posts of assistant sessions judges are there which subordinate judges of the 1st and 2nd grades could fill without loss of pay?"

The Hon'ble MR BURN replied —

"(a), (b) and (c) No period of work as assistant sessions judges has been prescribed as requisite to qualify members of the provincial judicial service for promotion to district and sessions judgeships, but in making appointments to the latter posts experience of criminal work is taken into account. The number of appointments of judges of small cause courts and subordinate judges in each grade is shown in the Civil List and the services of each officer are detailed in the history of gazetted officers.

(d) Subordinate judges of the first grade draw Rs 800 per mensem and those of the second grade Rs 650. One assistant judge draws Rs 800 and the other three Rs 600 or less."

The Hon'ble PANDIT MOTI LAL NEHRU asked —

"In view of the possibility of duly qualified and deserving officers of the higher grades being superseded by their juniors, will the Government be pleased to consider the advisability of adopting one or both of the following courses —

(a) Investing with powers of assistant sessions judge, under the Code of Criminal Procedure, such of the judges of the courts of small causes and subordinate judges in the first two grades, as may be considered fit by the Honourable Judges of the Allahabad High Court or Judicial Commissioner of Oudh, to discharge those functions.

(b) Filling up the posts of the assistant sessions judges with these approved officers by turns, each officer holding the post for such term as the Government may consider sufficient for granting the requisite experience in criminal work."

The Hon'ble MR. BURN replied —

"(a) The question of investing judges of the small cause court and subordinate judges with powers under the Code of Criminal Procedure is already under consideration.

(b) The posts of assistant sessions judges are filled by selection on the advice of the Hon'ble the High Court and the Judicial Commissioner of Oudh, to whose notice the honourable member's suggestion will be brought."

The Hon'ble DR TEJ BAHADUR SAPRU asked —

"(a) With reference to the statement in the Government resolution on the working of district boards in 1911-12, that there was a decrease of 184 schools in the Fyzabad division, will the Government be pleased to state the cause or causes which led to it?

(b) What remedial measures, if any, have been or are proposed to be taken in regard to this matter?"

The Hon'ble MR PIM replied —

"The apparent decrease of 184 schools shown in the returns is due to errors in classification the detailed figures are —

| | | 1910-11 | 1911-12 | +or— |
|--------------------------------------|----|---------|---------|------|
| District board and municipal schools | .. | 782 | 744 | +12 |
| Aided schools | . | 484 | 445 | -39 |
| Unaided schools | .. | 809 | 152 | -157 |

QUESTIONS AND ANSWERS

[*Dr Tej Bahadur Supru, Mr Pim, Mr O'Donnell.*]

"It appears however that in 1910-11 all classes of private schools were included under the term 'unaided schools' in the Banu Banki district while in 1911-12 only those schools were shown which are recognised by the Educational Department under the rules. Allowing for errors in classification the Commissioner reports that the total number of schools was 1,841 in 1911-12 as compared with 1,224 in 1910-11"

The Hon'ble DR TEJ BAHADUR SAPRU asked —

"With reference to the statement in the resolution referred to in the preceding question that 'the whole question of the position of aided schools and of the action which should be taken with reference to them will receive separate consideration' does the Government propose to publish its views for general information and give an opportunity for the expression of public opinion thereon before a final decision is taken?"

The Hon'ble MR. PIM replied —

"The answer is in the affirmative"

The Hon'ble DR TEJ BAHADUR SAPRU asked —

"With reference to the statement in the resolution referred to in the foregoing question that 'little progress has evidently been made in overcoming the main obstacle, the deficiency of trained teachers,' will the Government be pleased to state (1) what are the recommendations of the Female Education Committee of 1904, which have been given effect to, (2) why the other recommendations have not been carried out, and (3) when the Government proposes to give effect to the latter?"

The Hon'ble MR. O'DONNELL replied —

"The measures recommended by the Female Education Committee of 1904 for increasing the supply of trained teachers were the opening of new normal schools, the establishment of training classes, the grant of scholarships to girls preparing at home for teacherships, the employment of widows and of the female relations of village school masters. All these measures have been tried, with the exception of that relating to new normal schools. It is proposed to open a new normal school shortly"

The Hon'ble DR TEJ BAHADUR SAPRU asked —

"Will the Government be pleased to state—

(a) Whether any, and if any, how many primary schools have been closed in Benares in 1912-13?

(b) What are the circumstances which led to the closing of these schools?

(c) How many pupils were reading in these schools and what provision for their education has been made since the closing of these schools?

(d) What, if any, is the number of teachers thrown out of employment?"

The Hon'ble MR. PIM replied —

"(a) The Government are not aware that any district board primary schools have been closed in Benares in 1912-13, but 101 aided schools are understood to have had their grants withdrawn in October but were re-opened in November.

(b) The schools were opened in the anticipation of receiving a definite sum in grants and were closed when a part only of the sum anticipated was sanctioned.

(c) The number of scholars in those schools at the time of closing cannot be given accurately but was approximately 3,000. As stated above, the schools have since been re-opened, but the question of the financial position of the Benares district board is under the consideration of the Government.

(d) The number of teachers thrown out of employment when the schools were closed was 117. Most of them are again in employment, but in consequence of the numerous changes which have been made the number finally thrown out of employment cannot be given accurately."

QUESTIONS AND ANSWERS

[*Dr Tej Bahadur Sapru Mr Pim, Sayyid Abdur Rauf*]

The Hon'ble DR TEJ BAHADUR SAPRU asked .—

"(a) Will the Government be pleased to state whether the rate-payers of Agra have submitted any memorial to the Government taking objection to an additional tax which the Agra municipal board propose to levy and suggesting the necessity for economies ?

(b) Is it a fact that the Secretary of the Agra municipal board is also the Engineer of the board ?

(c) Does he hold any diploma as a qualified engineer ?

(d) Is it also a fact that the said Secretary of the municipal board has been given an increment in his salary and re-appointed for another term without the board waiting for the Government's reply to the memorial referred to above ? "

The Hon'ble MR PIM replied —

"(a) The Government have received the memorial referred to by the honourable member

(b) The answer is in the affirmative.

(c) The gentleman referred to has no engineering degree or diploma

(d) The answer is in the affirmative "

The Hon'ble DR TEJ BAHADUR SAPRU asked —

"(a) Has the attention of the Government been drawn to the judgement of the Sessions Judge in the recent municipal case at Fatehpur (King-Emperor versus Ram Gopal) by which he acquitted the accused, and also to the order of committal by the Deputy Magistrate ?

(b) Is it a fact the District Magistrate of Fatehpur asked Rai Iswar Sahai Bahadur, the non-official chairman, to apologize to the Superintendent of Police, in connection with this case and if so, why ?

(c) Is it also a fact that during the trial of the case the non-official chairman tendered his resignation and how has that resignation been disposed of ?

(d) On what specific charge was Zamirul Haq, the peon, taken into custody in connection with the case referred to above ? How long was he kept in custody, and how long after the judgement of the sessions judge was the case against him dropped, and when was he released ? "

The Hon'ble MR PIM replied —

"(a) The attention of the Government has been drawn to the case referred to by the honourable member

(b) The District Magistrate asked the non-official chairman of the board either to justify certain remarks made by him with reference to the visit paid by the Superintendent of Police to the town hall or to apologize to that officer

(c) The non-official chairman did tender his resignation in a letter dated the 30th May. His resignation was not accepted and the whole question is under the consideration of the Government

(d) Zamirul Haq, *chaprasi*, was taken into custody on the 16th of May on a charge under sections 467/109 of the Indian Penal Code, the allegation being that he had affixed his own thumb impression to a receipt purporting to be that of Haddu, deceased. He was kept in custody under the provisions of section 337 of the Criminal Procedure Code until the trial in the Sessions Court was concluded on the 22nd of October. Proceedings were then taken against him under section 193 of the Indian Penal Code, bail being fixed to the amount of two sureties for Rs 200 each. The sureties were verified on the 7th of November when he was released from custody. The case against him was finally dropped on the 2nd of January "

The Hon'ble SAYYID ABDUR RAUF asked —

"In view of the fact that the Greeven Scheme has now been sanctioned by the Right Hon'ble the Secretary of State for India, is the Government in a position to state when and which of the recommendations contained therein are going to be given effect to ? "

QUESTIONS AND ANSWERS

[Mr O'Donnell, *Sayyid Abdur Rauf*, Mr Ashworth, Babu Brijnandan Prasad]

The Hon'ble MR O'DONNELL replied —

"The orders of the Secretary of State and Government of India have only recently been received. The introduction of the scheme requires careful preliminary arrangements, which the Local Government has not yet been able to complete. It is hoped, however, to make the statement desired by the honourable member at a very early date."

The Hon'ble SAIYID ABDUR RAUF asked —

"(a) Will the Government be pleased to state the proportion of Hindus and Muhammadans in the Judicial Service of these provinces, and

(b) the principle, if any, upon which the recruitment of munsifs is made?"

The Hon'ble Mr O'Donnell replied —

"(a) There are 116 Hindus and 37 Muhammadans in the provincial judicial service

(b) As regards the recruitment of munsifs the attention of the honourable member is invited to paragraphs 138, 139, 142, 148 of the Manual of Government Orders."

The Hon'ble SAIYID ABDUR RAUF asked —

"Will the Government be pleased to state what is the proportion of Hindus and Muhammadans in the Educational Service?"

The Hon'ble MR O'DONNELL replied —

"The proportion of Hindus to Muhammadans in the Educational Service is as follows —

| | |
|---------------------|----------|
| Provincial Service | 675 to 1 |
| Subordinate Service | 858 to 1 |

The Hon'ble SAIYID ABDUR RAUF asked —

"Will the Government be pleased to state how many Government pleaders and assistant Government pleaders there are in these provinces and how many of these are Muhammadans?"

The Hon'ble MR ASHWORTH replied —

"It is presumed that the honourable member means by the expression 'Assistant Government pleaders' 'Subordinate Government pleaders'. If so, there are 81 Government pleaders and subordinate Government pleaders in this province, of whom 15 are Muhammadans."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"(a) Will the Government be pleased to state whether the Greeven Scheme for the reorganization of the Judicial Staff has been sanctioned by the Secretary of State? Has it been sanctioned in its entirety or with any modification, and if so, what? Will the Government be pleased to publish the correspondence between the Government and the Secretary of State on the subject?"

(b) What portion of the scheme is to be given effect to this year and what portion in the next year?"

The Hon'ble MR O'DONNELL replied —

"(a) A statement is laid on the table showing the arrangements sanctioned by the Secretary of State. The Government is not prepared to publish the correspondence referred to.

(b) The honourable member is referred to my answer to question 9. A substantial lump provision is being proposed for the scheme in the estimates for 1913-14."

(SEE APPENDIX)

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"In connection with my questions on the application of Act XXII of 1867 to *dharamshalas*, &c., and the replies thereto in the Council meeting of the 13th March, 1912, will the Government be pleased to state the result of the examination of the whole question therein promised? In view of the difficulties resulting from such application, what steps does the Government contemplate or propose to take in the matter?"

QUESTIONS AND ANSWERS

[Mr Burn, Babu Brijnandan Prasad, Mr O'Donnell, Saiyid Raza Ali, Mr Pim.]

The Hon'ble MR BURN replied —

"The Lieutenant-Governor has carefully considered the whole position again. It is clear that under the law, *dharamsalas* are liable to registration and to the very mild degree of control which the Act of 1867 imposes. It may be necessary to exercise that control in regard to individual *dharamsalas* where lawlessness, misconduct, or grave neglect of sanitary precautions is suspected, and in such cases the law will be enforced. But the Lieutenant-Governor believes that, as a general rule, *dharamsalas* are conducted in a respectable manner and with due regard to the pious wishes of their founders. He has decided, therefore, not to enforce registration under the Act, and district magistrates are being instructed not to take any further action where registration has already taken place, unless in exceptional cases of the nature above referred to."

The Hon'ble BABU BRIJNANDAN PRASAD asked. —

"(a) In connection with the letter by a pardanashin lady in the *Leader* of the 3rd December 1912, page 6, headed 'Dufferin and other hospitals and poor patients,' will the Government be pleased to state if patients in private wards are charged anything over and above the rent for the ward?"

(b) Are patients attending hospitals or living therein as indoor patients or in private wards liable to pay any fees to the medical officers for advice, treatment or operations?"

(c) Will the Government be pleased to issue orders prohibiting the charging of any such fees?"

The Hon'ble MR O'DONNELL replied —

"(a) The answer is in the negative

(b) At the Bynor district hospital a system of making small charges for medicines, and certain operations in the case of well-to-do patients, has recently been introduced as an experimental measure. As regards all other hospitals the answer is in the negative

(c) The question of fees at the Bynor Hospital is under consideration"

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Will the Government be pleased to state what officials or non-officials are to be co-opted in these provinces for the Public Service Commission? Will the Government be pleased to recommend the inclusion of some Indian non-officials in the list?"

The Hon'ble MR BURN replied —

"The Government of India have asked this, Government to suggest the names of one member of the Indian Civil Service and two members of the Provincial Civil Service for co-option to the Royal Commission on Public Services in India. As no request has been made for the nomination of Indian non-officials, no recommendation can be submitted"

The Hon'ble SAIYID RAZA ALI asked —

"Is the Government aware that in the important district of Shahjahanpur where Moslem land-holders form a large proportion of the population, there is no Musalman member on the district board? And, if so, will the Government be pleased to state what steps it has taken or proposes to take to ensure an effective and due representation of the Moslems?"

The Hon'ble MR PIM replied —

"If there were proportionate representation, Muhammadans would have two seats on the Shahjahanpur District Board. At present the elected members are all Hindus. The nominated members are the four sub-divisional officers, one of whom at present is a Muhammadan. The general question is under the consideration of the Government."

QUESTIONS AND ANSWERS

[*Sayid Raza Ali, Mr. Burn, Mr. Pim.*]

The Hon'ble SAIYID RAZA ALI asked —

"Will the Government be pleased to state whether the Judges of the High Court of Judicature for the North-Western Provinces were consulted regarding the appointment of Rai Bahadur Pandit Kanhaiya Lal as Second Additional Judicial Commissioner for Oudh, and, if so, whether a majority of them including the Chief Justice were in favour of promoting another Indian gentleman equally competent but senior in service?"

The Hon'ble MR BURN replied —

"Before making a recommendation to the Government of India for filling the recent vacancy in the Court of the Judicial Commissioner, Oudh, the Lieutenant-Governor consulted the Hon'ble the Chief Justice of the High Court, North-Western Provinces and the Judicial Commissioner of Oudh as to the officer most suitable for appointment. It would be contrary to practice and obviously improper to make any statement about the advice received from them."

The Hon'ble SAIYID RAZA ALI asked —

"Will the Government be pleased to assist the municipal board of Moradabad with a substantial grant of money for the construction of water works to improve the flushing of the drainage system which has recently been constructed?"

The Hon'ble MR PIM replied :—

"A special grant of Rs 5,000 has lately been given by the Sanitary Board to the municipal board of Moradabad for the purpose of assisting them in making proper arrangements for the flushing of their drains. The Sanitary Commissioner and the Sanitary Engineer have been requested to report as to the need for and cost of a water works scheme for that town. On receipt of their report the question of a grant will be considered."

The Council then adjourned to Wednesday, the 22nd January, 1913

ALLAHABAD

The 20th January, 1913. }

W K. PORTER,

Secretary, Legislative Council,

United Provinces

APPENDIX

Statement showing the arrangements sanctioned by the Secretary of State in connection with the Greeven Scheme

| Staff as at present | | Staff as sanctioned by the Secretary of State | |
|--|--|---|--|
| Number | Designation and pay | Number | Designation and pay |
| <i>District and Sessions Judges</i> | | <i>District and Sessions Judges</i> | |
| 2 | 1st grade at Rs 8,000 each | 2 | 1st grade at Rs 8,000 each |
| 7 | 2nd " 2,500 " | 7 | 2nd " 2,500 " |
| 6 | 3rd " 2,250 " | 7 | 3rd " 2,250 " |
| 10 | 4th " 1,883½ " | 10 | 4th " 1,883½ " |
| 8 | 5th " 1,666½ " | 5 | 5th " 1,666½ " |
| 28 | * Plus three District and Sessions Judges temporarily sanctioned on Rs 1,666½ each if held by the I O S and Rs 1,000 if held by the Provincial Civil Service | 31 | † Includes three new posts which were temporarily sanctioned and have now been sanctioned permanently and will be thrown open to the Provincial Civil Service, thus raising the number of 'listed' appointments to eight |
| | Five of these posts were 'listed' | | |
| <i>Sessions and Subordinate Judges</i> | | <i>Sessions and Subordinate Judges</i> | |
| | Nil | 6 | Four posts on Rs 1,200 each will be held by the I O S |
| <i>Assistant Sessions Judges</i> | | | Two posts on Rs 800—40—1,000 will be held by the Provincial Civil Service and will be graded with Subordinate Judges |
| 1 | At Rs 1,100 | | |
| 2 | " 800 each | | |
| 8 | " 600 " | | |
| 1 | " 500 | | |
| 6 | Of these one appointment on Rs 1,100 and one on Rs 800 are held by I O S the remainder being held by the Provincial Civil Service | 6 | All these are to be held by the Provincial Civil Service and graded with Subordinate Judges |
| <i>Small Cause Court Judges</i> | | <i>Small Cause Court Judges</i> | |
| 2 | At Rs 800—40—1,000 each | 8 | The number has been raised to eight and graded with subordinate Judges. |
| 3 | " 800 each | | |
| 5 | <i>Subordinate Judges</i> | | |
| 5 | At Rs 800 each | 4 | At Rs 800—40—1,000 each |
| 10 | " 650 " | 10 | " 800 each |
| 16 | " 500 " | 18 | " 650 " |
| 31 | <i>Munsifs</i> | 22 | " 500 " |
| 80 | At Rs 400 each | 49 | <i>Munsifs</i> |
| 82 | " 800 " | 32 | At Rs 400 each |
| 32 | " 200 " | 34 | " 800 " |
| 94 | <i>Probationary Munsifs</i> | 34 | " 200 " |
| | Nil | 100 | <i>Probationary Munsifs</i> |
| | | 14 | At Rs 175 each |

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR THE UNITED PROVINCES OF AGRA AND OUDH, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO 1909.

The Council met at the Mayo Hall, Allahabad, at 11 a.m., on Wednesday, the 22nd January 1913

PRESENT

The Hon'ble SIR JAMES SCORGIE MESTON, KCSI, LIEUTENANT-GOVERNOR,
Presiding

The Hon'ble RANA SIR SHEORAJ SINGH, KCIE
 The Hon'ble MUNSHI MAHADEO PRASAD, M.A., LL.B.
 The Hon'ble DR SUNDAR LAL, RAI BAHADUR, B.A., LL.D., C.I.E.
 The Hon'ble SAIYID MUHAMMAD ABDUL RAUF
 The Hon'ble RAI SHANKAR SAHAI SAHIB
 The Hon'ble BABU BALAK RAM
 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR
 The Hon'ble RAJA KUSHALPAL SINGH, M.A., LL.B.
 The Hon'ble BABU BRIJNANDAN PRASAD, M.A., LL.B.
 The Hon'ble RAI GOKUL PRASAD, M.A., LL.B.
 The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH, KCIE
 The Hon'ble KHWAJA GHULAM-US-SAQLAIN, B.A., LL.B.
 The Hon'ble SAIYID RAZA ALI, B.A., LL.B.
 The Hon'ble SHAIKH SHAHID HUSAIN, B.A., LL.B.
 The Hon'ble BABU MOTI CHAND
 The Hon'ble MUNSHI ASGHAR ALI KHAN, KHAN BAHADUR, B.A., LL.B.
 The Hon'ble MR D C BAILLIE, CSI, ICS
 The Hon'ble MR G A TWEEDY, ICS
 The Hon'ble MR J A BROWN, CSI, ICS.
 The Hon'ble MR R BURN, ICS.
 The Hon'ble MR J M HOLMS, CSI, ICS.
 The Hon'ble MR H. V. LOVETT, CSI, ICS.
 The Hon'ble MR A W PIM, ICS
 The Hon'ble MR. S P O'DONNELL, ICS.
 The Hon'ble MR C H HUTTON.
 The Hon'ble MR W G WOOD
 The Hon'ble COLONEL C C MANIFOLD, I.M.S.
 The Hon'ble LIEUT-COLONEL C MACTAGGART, C.I.E., I.M.S.
 The Hon'ble MR C F DE LA FOSSE
 The Hon'ble MR D M STRAIGHT
 The Hon'ble MR H R C HAILEY, ICS
 The Hon'ble MR E H ASHWORTH, ICS
 The Hon'ble CHAUDHRI MAHARAJ SINGH, RAI BAHADUR.
 The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR
 The Hon'ble KUNWAR ADITYA NARAYAN SINGH.
 The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN, K.C.S.I.
 The Hon'ble MR F MACKINNON
 The Hon'ble DR TEJ BAHADUR SAPRU, M.A., LL.D.
 The Hon'ble LALA SUKHEER SINGH
 The Hon'ble RAJA FRANCIS XAVIER SHIAM RIKH.
 The Hon'ble RAI NATTHI MAL BAHADUR, C.I.E.
 The Hon'ble MUNSHI NARSINGH PRASAD, M.A., M.R.A.S.

NEW MEMBERS' QUESTIONS AND ANSWERS

[*Rai Ganga Prasad Varma Bahadur, Mr. Pim, Mr. O'Donnell.*]

NEW MEMBERS

The Hon'ble Mr J A Broun and the Hon'ble Mr J M Holms took the oath of allegiance to the Crown prescribed by Regulation VII of the Regulations of the Governor General in Council for the nomination and election of members of the Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh and thereafter took their seats in Council

QUESTIONS AND ANSWERS,

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state whether it has received a numerously signed memorial from the citizens of Agra protesting against the levying of a new house tax at $4\frac{1}{2}$ per cent on the rental valuation of houses over and above the water rate of $7\frac{1}{2}$ per cent levied throughout the city? Is it also a fact that the memorialists have complained of the inefficiency of the municipal administration and its wasteful expenditure? If so, will the Government be pleased to state what action, if any, has been taken on the memorial? And, if none, whether it proposes to take any action in connection therewith?"

The Hon'ble MR PIM, replied —

"Government has received the memorial to which the honourable member alludes and it is now under consideration"

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state whether it is a fact that there is a strong feeling among the citizens of Agra against Mr Shute performing the double duties of municipal secretary and engineer? Whether it is true that Mr Shute does not hold any diploma or certificate from any engineering college or association and that in spite of public protests the board has resolved to entertain his services for a further period of five years at an increased salary of Rs 850 a month?"

The Hon'ble MR PIM replied —

"Government is not aware that there is any general feeling among the citizens of Agra against Mr Shute performing the double duties of secretary and engineer, though representations to this effect have been received. Mr Shute does not hold any engineering diploma, but has testimonials of five years' work in England and nine in India. The municipal board have unanimously reappointed him for five years on a salary of Rs 600—50—800 per mensem."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked:—

"Will the Government be pleased to state whether it is a fact that under-trial prisoners when they are sent in the touring season to take their trial at some distance from the Sadr are paid at the rate of one or one-half anna for a day's meal? Does the Government consider the amount sufficient? Will it be pleased to direct the revision of scale?"

The Hon'ble MR O'DONNELL replied —

"The matter is under the consideration of Government."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state the number of prosecutions instituted during the last three years against recruiting agents for breach of immigration laws? Is it a fact that in the majority of cases the complaint against the recruiting officers is that they kidnap people from one district to another to get their names registered as coolies? In order to prevent recurrence of these cases, will the Government be pleased to direct that more detailed inquiries be made about the coolies presented for registration from their native districts?"

The Hon'ble MR PIM replied.—

"The statistics asked for by the honourable member are not available because the returns of offences under the Indian Emigration Act include offences committed by other than licensed recruiters."

QUESTIONS AND ANSWERS THE UNITED PROVINCES TOWN AREAS IMPROVEMENT
BILL, 1913

[*Mr Pim, Khwaja Ghulam-us-Saqlain, Mr O'Donnell,
His Honour the President, Mr R Burn*]

The Government are not aware that charges of the nature described by the honourable member have been brought in the majority of such cases but such action was alleged in one case, and it has been reported by one District Magistrate that emigrants have been induced to go to recruiting stations outside their own districts for the purpose of making inquiries into their cases more difficult. All registering officers are directed to make careful inquiries into each case at the time of registration and the Government do not consider it necessary to issue further special instructions with reference to coolies presented for registration in other than their native districts."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"Will the Government be pleased to order a statement to be prepared (through the District Judges or Record offices) giving the following details —

- (a) The total amount decreed by the original civil courts in each (judicial) district in the United Provinces during the years 1910, 1911 and 1912, respectively, in suits based on mortgage or hypothecation bonds
- (b) The amount in each of the above districts which represented out of these decretal amounts the capital sums advanced per said mortgage bonds—as detailed in the plants"

The Hon'ble MR O'DONNELL replied —

"The Government regret that they cannot comply with the honourable member's request. The preparation of the statement asked for would involve the expenditure of an amount of time and labour incommensurate in the opinion of the Government with the value of the information when obtained."

HIS HONOUR THE PRESIDENT said —

"I may explain that after notice of this question was given the honourable member had an interview with me in which he explained the idea underlying the question, and I have undertaken to obtain information which will meet the honourable member's point without at the same time involving the labour which this return would entail."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"Has the Government received representations from the Musalmans regarding permission to be granted to the Muslim employes on the occasions of the Friday prayers in conformity with the permission granted by the Bengal Government, and does the Government propose to take any action thereon and grant such concession?"

The Hon'ble MR BURN replied —

"The matter is under the consideration of Government."

THE UNITED PROVINCES TOWN AREAS IMPROVEMENT BILL, 1913

The Hon'ble MR PIM moved for leave to introduce a Bill to make provision for the sanitation, lighting and improvement of town areas in the United Provinces. He said —

"The Town Areas Improvement Bill which I ask permission to introduce is in its present form largely the result of the deliberations of the Sanitary Conference of 1908. Its object, as explained in the statement of objects and reasons, is intended to provide for the sanitation, lighting and improvement of town areas, and so to complete the process of legislating for local areas. The number of the towns in question is now 257 and their population is about 1,250,000. Their sanitary condition has long been the subject of complaint and has been brought into special prominence in recent year by the very high mortality returns. Improvements were rendered difficult by the very restricted provisions of the Act under which they are at present administered, the Bengal Chauthdari Act XX of 1856. That Act provides for the assessment of taxation, but lays down that the tax so raised shall be applied in the first instance to

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[Mr. Puri]

meet the ordinary charges of police. It is only when all these charges have been satisfied that the surplus—if any surplus there be—can be applied for purposes of general improvement. No machinery is also provided for carrying out sanitary improvements, with the result that they can only be effected by calling in the provisions of the Village Sanitation Act of 1892. The provisions of Act XX are in fact clear proof of the advance which has taken place in the conception of municipal administration in the last 100 years, because they are in essence the same as those embodied in the early regulations of the East India Company for the administration of cities, large towns and principal ganjes. That they are inadequate to modern conceptions of administration is manifest, and the necessity of alteration has become more urgent since the principle has been accepted that local funds should be freed from police charges and local bodies be allowed to devote them to purposes of general improvements. A necessary preliminary was the provision of funds. This proved an insuperable obstacle until the year 1907, when the provincial contract came under revision. The Government of India then expressed willingness to provide funds for these charges and on receipt of this intimation the preparation of the Bill was commenced. The first step was to decide whether a separate Act should be framed or whether these towns should be raised to the status of notified areas and be administered under the provisions of the Municipal Act. A considerable body of opinion was in favour of the latter course, but when the question was referred to the Sanitary Conference in 1908 they expressed a strong opinion that a separate Act was necessary. They pointed out that Act XX towns were not ready for the same degree of self-government or development of sanitation as notified areas, while on the other hand they had to be distinguished from purely agricultural villages in which no tax could be raised. They considered this distinction a real one which should not be ignored, and proposed that legislative recognition should be given to the administrative sequence formed by the three classes of towns with their gradually increasing element of self-government. They also proposed that the Act should be self-contained, so as to avoid any necessity for calling in the provisions of the Village Sanitation Act. Their proposals were in accordance with the practice in these provinces, under which only those towns were raised to the status of notified areas which were centres of local trade and industry, and in which a class of inhabitants existed who might be expected to provide members sufficiently competent to exercise the wide powers given to the committees of notified areas under the Municipal Act. Their recommendations were therefore accepted by Sir John Hewett, and a Bill framed on these lines was submitted to the Legislative Department of the Government of India. The Government of India decided to defer the consideration of the question until the report of the Decentralization Commission had been considered. In accordance with the proposals of that Commission the Local Government accepted the idea that a provision should be introduced in a Bill or in rules to be framed under clause 10 of the Bill, conferring certain administrative powers on the panchayats of any local areas in which this should be considered possible and also providing that inhabitants of these local areas should be empowered to make representations to the Magistrate with reference to the constitution of the panchayat. These proposals were accepted by the Government of India and administrative sanction was given to the Bill in 1911. Further progress was however checked by the inability of the Government of India to provide funds at that time and meantime certain defects in the Act had come to light. As soon as administrative sanction was received, a special sub-committee of the Legislative Council was, therefore, appointed to consider these various questions. They reported in February 1912 suggesting certain changes mainly intended to secure the interests of agriculturists, but including one important provision making it clear that the election of members of the panchayat was contemplated in the future, although it

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[Mr Pim, Munshi Mahadeo Prasad]

would probably not be introduced in many of the towns in the first instance. These proposals were accepted by the Local Government and by the Government of India and no changes have since been made in the Bill. Certain defects in drafting, however, have been brought to notice which are required to be dealt with in Committee.

Turning to the detailed provisions of the Bill, clause 2 provides for the repeal of the Bengal Chankidari Act XX of 1856. Clause 3 defines town areas and also lays down that land on which taxation can be imposed under the Act is not intended to include any land used for agricultural or pastoral purposes. The Act would not become operative in any area until applied to it by notification in the gazette and its operation could similarly be withdrawn. In clause 8 the town fund is constituted and defined and in clause 9 the control and application of the fund are stated. The scheme of taxation is given in clause 12. In essence it is the same as previously existed in such towns, except that a limit for the tax on circumstances has been imposed. The machinery for assessment of taxation by panchayat is also practically unchanged. It is intended to frame under clause 10 rules conferring the requisite degree of authority on a panchayat which is capable of good administration with the idea of ultimately allowing management by the residents themselves in the case of many Act XX towns. As already stated, the possibility of the election of the members of the panchayat has also been contemplated and is taken into account in sub-clause (b) of clause 25 of the Bill. To make the Act complete certain sanitary provisions have been inserted and are contained in clause 21. They give sufficient power to regulate conservancy, to protect the water supply and to enforce the other simple sanitary measures which are required in such towns. In section 24 power is also taken to extend to town areas the provisions of any section of the United Provinces Municipalities Act, 1900, subject to such restrictions and modifications as may seem necessary. This will render it possible to raise with advantage the larger of these towns to the status of notified areas. It is not necessary to add further details at this stage and I therefore move that the Town Areas Improvement Bill be introduced."

The Hon'ble MUNSHI MAHADEO PRASAD said —

"The Bill that has been just introduced by the Hon'ble Mr Pim is one to pass into law a measure midway between the Village Sanitation Act II of 1892, and the Municipalities Act I of 1900. It was possible to make the improvements contemplated by the present Bill under any one of the two Acts mentioned above. But the chief distinguishing feature of the Bill is the continuity of a taxation originally imposed in 1856 by the then Government of the East India Company, for maintenance of a police chankidari force, the cost of which should have and did in the long run form a charge on the Provincial Revenue. The Bill just introduced may bring into existence the old village communities which were ancient self-governing institutions and which disappeared under the centralized administration of the last century. Just as the people of India are grateful to the Government of Lord Ripon in giving them the privilege of local self-government, the people of these provinces will ever remain indebted to Your Honour's Government if this Bill were passed into law on a more liberal basis and the people allowed a larger share in the administration of affairs within their local areas. The present Bill intends to make provision for certain comforts and conveniences which are called for by modern conditions of life, and, if people have to pay for them, it is but fair that they should be so associated with the management as to make them realize their own responsibilities in the matter. The circumstances under and the objects with which the enactment of 1856 was passed, were different from those existing to-day, and if persons living in places where that Act is in force were to ask for further privileges, it should not be asking too much. With the above facts in view, I would with Your Honour's permission make the following observations regarding certain matters in connection with the Bill.

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[*Munshi Mahadeo Prasad.*]

"The Bill as presented before Your Honour's Council to-day proceeds mainly on the lines of Act XX of 1856, which it intends to repeal so far as these provinces are concerned. Though provision has been made for an important departure from the old policy in the rules to be framed by the Local Government under section 25 of the Bill, in so far as it provides for election in certain cases, yet it is still thrown in the back ground. I would therefore submit that election should be introduced into those local areas in which at present Act XX of 1856 is in force. As to the local areas which are to be created hereafter, panchayats may be constituted by appointment until such time as the people of the place get sufficiently advanced. On receipt of the draft Bill I visited a local area near Benares city called Ramnagar, the seat of the Benares Raj, where Act XX of 1856 is in force and spent some time in ascertaining the feelings of the educated public and some of the panches whom I happened to see. I was impressed by the fact that good and useful men were reluctant to serve as panches, as they had only one duty to perform, and that too a most unpleasant one of making assessment and thus making themselves unpopular. To me it seems that in local areas where Act XX of 1856 is in force, people are sufficiently advanced to take to election and do useful work. This will necessitate a recasting of section 10 of the Bill.

"The next thing that is worthy of consideration is the power given to the District Magistrate to determine annually the amount required, and then, subject to certain rules, impose a tax on circumstances of the people liable thereto or on houses and lands according to their annual value. This procedure appears to be highly objectionable. The persons more conversant with the local needs will be the members of the panchayat and also the Sub-divisional Magistrate. So the determination of the amount should be left to both the panchayat and the Magistrate, as defined by the Bill. To leave it only to the discretion of one of them will not do. While the one may prove over zealous, the other may be indifferent. Therefore in the interest of good administration and harmony of working, it is necessary that both the agencies be associated together. If amendment were admissible at present, I would read "Magistrate and the panchayat" for "District Magistrate" in section 12 of the Bill.

"As to an appeal against an imposition of a tax, as well as against its assessment, I would submit that a more liberal policy should be adopted. Under the proposed enactment, the District Magistrate has to finally decide an appeal against his own orders. A reference to sections 12 and 17 of the Bill will clearly show that. He has also power to transfer the appeal to any other magistrate under him and there is nothing to prevent his transferring the appeal to a Magistrate who might have confirmed assessment under section 13(3). Under the Municipalities Act of 1900, all orders, assessments and resolutions of a municipal board are liable to an appeal to the Commissioner, who, being independent of the Board, is in a position to take an impartial view. I do not see why the same policy should not be adopted in this Bill also.

"Since the Decentralisation Commission report, which has given birth to the present Bill, recommends, in its paragraph 815, that petty municipalities may be brought under the provisions of a law which this bill proposes to enact, it is almost certain that the number of the present 250 local areas will rise enormously in no time. Therefore a scheme for the auditing of accounts under expert auditors will be needed. These petty local areas may rise in importance and it will be in the fitness of circumstances to add a sub-clause to section 25 under which the local Government may frame rules for auditing of accounts and supervision of incomes and disbursements locally.

"These remarks though they may sound early, yet may be considered by the Select Committee in its deliberations, and it was for this reason that I have taken this opportunity of laying them before Your Honour."

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[*Rai Ganga Prasad Varma Bahadur, Khwaja Ghulam-us-Saqlain*]

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said —

"I welcome the Bill which has been just introduced by the Hon'ble Mr Pim I am glad that as a result of the deliberations of the Sanitary Conference held some years ago at Naini Tal we are going to have a measure in order to secure the proper sanitation of villages or groups of villages outside the Act XX towns and notified areas

"No part of the Bill appeals to me more than the portion which deals with the creation of the panchayats. The Government is perfectly justified in looking forward for help and co-operation from the people living in villages in the improvement of water supply and drainage and better conservancy arrangements. But I would like to see the panchayats or village unions real living things. I have no faith in the panchayats which will be constituted under the orders of the Collector or in other words under the orders of the tahsildar and his naibs. I often hear cries from towns that the panches appointed under the orders of the Collector to help in the assessment of house tax proved themselves an engine of oppression and not unoften help their friends and relations at the cost of the people living in the town. If the people had some voice in the nomination, the panches would feel some sense of responsibility. In Act XX towns people can protect themselves from the vagaries of the nominated panch, but it will be difficult for villagers to protect themselves from the vagaries of panches who may not be residents of their own village and may be unmindful of the little public opinion of the village. If the measure is to help the convenience and comfort of the people, then I would suggest that it should be laid down that every panchayat shall be constituted on an elective basis. It may be said that there may be villages where people may not be found willing to work as panches or, if found, will be found incompetent to look to the sanitation of the village. If there be such cases I would rather have no panchayat in the village than have a nominated body responsible to the tahsildar. If the panchayats are to be made living bodies, then stringent provisions like those mentioned in section 11 of the Bill will have to be given up. I would in no case agree to the inclusion of a provision of a fine, which it is laid down may extend to rupees fifty, in case the appointed or elected panch fails to perform the duty. If a panch fails to do his duty, for which he is not paid, he may be told to relinquish the self-imposed honorary functions rather than be mulcted of a fine of rupees fifty. If once the principle of levying fines on honorary workers were introduced, then it is impossible to say where it would stop. The rustic villager may as well ask the members of this august body, why not have a penalty clause in the Indian Councils Act as well to be enforced against indifferent members of the Councils. The provision should not be allowed to stand. The mode of taxation mentioned in section 12 also requires much consideration. The maximum tax of 5 per cent on houses and lands will be rather excessive. I hope it will be possible for the Select Committee to devise some simpler method of taxation. Section 13 describes the method of assessment of taxation and section 17 deals with the right of appeal given to the assessees against taxes once levied on them. Even in cases when the assessments are made under the orders of the District Magistrate, the assessees should be allowed a right of appeal to the Commissioner. There are many more provisions in the Bill which affect the rights and privileges of the zamundars or are likely to prejudice the interests of the cultivators. I will not detain the Council with their criticism at this stage. I hope that efforts will be made to gauge the opinion of the people in whose interest the measure is being framed, and it will come out of the Select Committee so amended as to be hailed with delight by the villagers as a measure which, without interfering with their freedom, aims at improving their surroundings and making life much more comfortable."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN said —

"I thought that at this stage it may be too previous for me to speak. But as Your Honour has granted permission to members to make their observations, I will say a

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[*Khwaja Ghulam-us-Saghir*]

few words. The Bill certainly provides for powers which were already in the hands of Government as regards sanitation, and though the attention which the Government paid to this important question was not commensurate with the importance of the question at all, yet unfortunately the attention which the public paid to the sanitation of villages and town areas was even much less than what the Government could afford to pay. This Bill gives certain powers to Government but it is only an enabling Bill and not a complete Bill in itself for the improvement of the sanitation of small towns. It leaves a large number of things to the Executive Government, and, this being the principle of the Bill, we must accept it as it is, but we should try to improve it according to our lights, although I would have preferred if this bill had been in itself a complete code for sanitation. I think it will be necessary to introduce an elective element, though the whole of the members of the panchayat might not be elected, but at least half the members of the panchayat should be elected by the areas that are to be governed by the panches. I may submit to Your Honour that the road which we have taken in this matter, in the election to the Imperial Council, Provincial Councils, District Boards and Municipalities, and since 1856 up to this time we have had a great widening of minds by a liberal education and the effects of universities and colleges and schools and of railways and telegraphs and newspapers. This road cannot now be given up. All these influences have permeated the minds of the inhabitants of small towns also. Therefore, if in legislating after more than half a century we still adopt the principles that had been adopted by the framers of the Bengal Chankidari Act, I submit that we would not be walking in the right direction. Some elective system should be introduced, and I believe that under section 25 there is a glimpse that the Government wants to introduce it. But in this Bill we ought to definitely say so. The second thing I wished to say was about the question of fine which my honourable friend Babu Ganga Prasad has already explained. Your Honour will see that, however public spirited a man may be, yet if he is afraid that by not accepting certain duties he will be fined, I believe that even a gentleman like the Hon'ble Dr. Tej Bahadur Sapru or the Hon'ble the Raja of Jahangirabad will refuse to take up the duties of this Council, if it was provided that he will have to pay a fine of Rs. 5,000 if he refused to take up his duties as councillor. Now, that would mean that independent and self-respecting persons will never like to accept such duties if they are always threatened with fines in the first place. In the second place, the men who accept the duty will like to eke out some money, so that if they are fined, they may not have to pay from their own pockets but from the pockets of the public whom they serve. Further, on no principle of justice and equity can we give an honorary duty to a person and, if he refuses to accept it, fine him. I suppose that according to the Criminal Procedure Code he will be sent to jail if he is not able to pay the fine. I submit that it should be brought in the Bill that if a man is not willing to accept a duty, let him not take it up. I may also say in connection with this that if an elective system is introduced, then the panchayat will become a source of honour instead of fear, and the love of honour and love of public service will be the motive and guiding spirit of such people; and they will come willingly to perform their duties. Then I will also submit herewith that the District Magistrate is given power to assess taxation. This power should be exercised in consultation with the panchayat. (These amendments I have sent to the Secretary of the Council.) Then I find that agricultural villages are nowhere defined in the Bill. It is said that this Act is concerned with towns where there are no municipalities which are not agricultural villages. But the differentiation between agricultural villages and towns where there are no municipalities, is very nice. Villages often develop into small towns, and small towns degenerate into agricultural villages. There should be some provision so that we may know to what village and what town this Act applies.

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[*Khwaja Ghulam-us-Saglaun, Rai Gokul Prasad Bahadur*]

"There is another very important thing which I would submit to the Honourable Council. Final powers are given to the District Magistrates when they decide a question about assessment or about anything connected with this Bill in appeal. Now, Your Honour, I find that the powers which have been granted to the municipalities are themselves very wide. Certain orders are given by the municipalities or by the Commissioner and we find absolutely no remedy in law, i.e. in the Bill, at all. For instance, if a house is going to be built and the municipality prohibits the building of that house, then the orders seem to be final, and the courts of law have no jurisdiction to try the case so far as the interpretation of the Bill leaves any discretion. I would like this to be added to the Bill, that if the question about the jurisdiction as to whether a deputy magistrate, or a sub-divisional magistrate has power to assess taxation upon a person whom they have no right to assess, then a proper court of law should have authority to decide whether they should assess taxation or not. Then I have suggested another important improvement. In India the courts of law are accustomed, when a person is charged, either to acquit him or punish him. Even in light offences they would impose certain small fines. A number of offences have been created under section 21 of this Act, and they are petty offences, in small towns people are not used to this sort of thing. For instance, if some refuse is found in front of a house, then the man will be *chalked* and he will have to pay a fine. I would say that, according as the magistrates in England do—'His Honour warned the offender and discharged him'—in the same way the courts here should have power to warn the first offender and not to put the eternal blot upon his character that he has been fined. We find that if a person has once been fined, then he is considered to be a culprit. I think that in the beginning in the enforcement of this Bill there should be some leniency.

"There is another point, and that is, that religious institutions such as *wagfs*, mosques, *mandirs* and schools should expressly be exempted from taxation. I find no provision for this in the Bill. In conclusion, I would submit that I do not think it a fitting occasion to talk about separate electorates, which is a wider question and one upon which all members of my community and, I believe, all persons of balanced minds are united. That being a large question I do not want to say anything about it while speaking on the subject of sanitation, but the question will have to be dealt with separately."

The Hon'ble RAI GOKUL PRASAD BAHADUR said —

"This Bill seems to have been introduced in furtherance of the policy of the Government to secure a larger share to the people in the administration of the affairs of their local areas. The Local Government in order to meet the recommendation of the Decentralization Commission agreed to the inclusion in the Bill of the rules proposed to be made under clause 10 of the Bill of provisions giving panchayats certain powers of administration in places where this was considered feasible and providing that recommendations might be made to the magistrate by the inhabitants for the selection of the panchayat. There are, however, a few points which call for special attention.

"The first point which strikes one is the absence of any power in the panchayat in the matter of control over the application of the town funds, as would appear from a perusal of section 9 of the Bill, where the sole power with regard to these matters is vested in the District Magistrate. Under the Bill as it stands at present the panchayat has no power to make suggestions as to the amount or nature of the tax which should be levied in any particular town area in accordance with the particular requirements of a locality.

"It seems that the only power given to the panchayat is that of the assessments of the taxes levied by an altogether different authority on the inhabitants. Unless some such power is given to the panchayats the measure would not at all be a

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popular one, and many competent persons who would otherwise be glad to assist in carrying on the work would try to keep aloof so far as they possibly can, notwithstanding the penalty mentioned in section 11 of the Bill, from becoming members of the panchayats or continuing as such. Those who assess taxes are generally liable to come in for a lot of unpleasant criticisms, and unless the people know that the panchayats have a voice in the control and application of the funds which they assess and can represent their needs, the panchayats would not be in a position to do any real good to the people nor would their position be enviable. In my humble opinion a large share in the administration should be given to the panchayats to make it a useful body.

"The next point which I wish to submit is the obvious anomaly in the position of the District Magistrate, whose office is both that of an officer imposing taxes under section 12 of the Bill and that of a court sitting in appeal against his own order levying taxes under section 17, clause 1, of the Bill, or who might find a subordinate of his sitting as an appellate court to hear an appeal against his order imposing taxes under section 12. This anomaly should in my humble opinion be remedied.

"Another point which I have to mention is that there should be some provision in the 10th section of the Bill for members to be elected to the panchayats whenever it is feasible. As section 10 stands at present it would be the duty of the District Magistrate to nominate the members of the panchayat. It is true that section 25, clause (vi), speaks of rules by the Local Government which might provide for election to the panchayat, but these rules have to be consistent with the provisions of the Bill, and unless some provision for election is inserted in section 10, it might, notwithstanding the qualification imposed therein, be a question whether the Local Government could make rules for election to the panchayat and if it did whether they would be valid.

"I only venture to place these remarks before the Council with a view that they might be taken into consideration by the Select Committee in their deliberations on the Bill."

The Hon'ble SHAIKH SHAHID HUSAIN said —

"At this stage of the Bill I only wish to express my satisfaction that a Bill has been introduced in the Council for the better provision of sanitation, lighting and improvement of town areas in the United Provinces. It will be premature, I submit, at this stage to make any comments as regards the details of the Bill, when the Bill is going to be submitted to the Select Committee. For I am positive that the Select Committee will give due consideration and due weight to the arguments that will be advanced as regards the penal clauses, as regards the question of appeal, and as regards the power of delegation.

"One point, however, has been brought to my notice by several representations from several towns that are likely to come under this Act, viz. that there is absolutely no mention in the sections of the Bill as regards the protection of the interests of zamindars in those areas. But this is also a matter which we will duly submit and represent to the members of the Select Committee, and I have no doubt that it will be fully considered. I only mention this because several representations have been made that the interests of the zamindars in these town areas as regards their proprietary rights in certain matters as regards land, houses &c., should be duly considered."

The Hon'ble MUNSHI NARSINGH PRASAD said —

"As the Town Areas Improvement Bill is going to be referred to a Select Committee which will carefully consider all the provisions of it and as it will come up again before the Council for discussion in due course after passing through the hands of the Select Committee, it is not necessary at the present stage of the Bill to enter with any degree of minuteness and detail into its provisions or to propose

THE UNITED PROVINCES TOWN AREAS IMPROVEMENT BILL, 1913

[*Munshi Narsingh Prasad*]

any amendments thereto But I wish, with Your Honour's permission, to make a few observations on the general policy governing the Bill and to offer some suggestions of a general character for the consideration of the committee

"Although the Hon'ble Mr Pim in his letter, dated the 18th May 1912, to the Secretary to the Government of India in the Legislative department says that the words 'or election' have been inserted after the word 'appointment' in clause 25 (1) (b) so as to make it clear that the election of members of panchayats is contemplated, though election is not likely to be resorted to in all places at the outset, yet it is clear that, with the exception of that single word 'election,' there is not another word, expression or provision in the Bill that would even suggest that the framers of the Bill had ever in view the introduction of the elective system in any form whatsoever On the contrary, the provisions of sections 10 (1), 18 (1) and 21 (1) regarding the appointment of panchayats by the Magistrate, the appointment, punishment and dismissal of servants by the Magistrate and the power of the District Magistrate to issue orders for sanitation and similar purposes, respectively, make it very doubtful whether the election of panchayats or the introduction of the principles of local self-government into town areas was at all contemplated If the policy is to extend the principles of local self-government to town areas gradually and to provide for the election of the members of the panchayat, a considerable re-drafting of the Bill seems to be necessary Though it is admitted that the provisions of Act XX of 1856 are generally unsuited to modern conditions, yet the main provisions of it, viz the absolute powers of the Magistrate, the nomination and appointment of the panchayat by him, the machinery for the assessment of the taxes by the panchayat and the absence of any voice of the tax-payers in the control and application of the funds and in the internal administration of the towns, remain practically unchanged in the Bill In my humble opinion the time has arrived when the system of village self-government, as it existed here in times gone by, may, with advantage, be introduced in a very large number of places with such modifications as the present day requirements demand The expansion of Legislative Councils with its resultant close contests in the elections thereto and the extension of education have already had far-reaching effects, inasmuch as they have opened the eyes of the electors of the district and municipal boards to the advantages of local self-government and to the responsibilities thereof, and towns and big villages have not escaped being influenced by the new wave that is passing over the land And the time is fast approaching when the residents of towns and big villages will clamour for power being given to them to control the internal management of their local areas The advantages of the village panchayat system based on the elective principle cannot be overrated The system was in vogue almost everywhere in former times, and traces of it are found in most places even now It is a plant of indigenous growth in this country Our people are not new to it and if panchayats were elected by the residents of town areas and the panchayats were given certain powers of administration, it will not be an innovation foreign to the people In view of the rapidly increasing demand for sanitation and general improvements which modern conditions have necessitated, it is necessary that some system of election of panchayats to exercise control over their village concerns and the administration thereof be immediately introduced This will remove that feeling of absence of responsibility which exists at present among the panchayats, the members of which, appointed as they are neither by their own consent nor by the consent of the people, are only thanked by being called bad names when they make assessments for the purposes of taxation, because, while they possess the power to assess, they have it not in their power to minister, in any way, to the needs and requirements of the assesses. If the panchayats were elected by the people and had any voice in the administration of town areas, the tax

THE UNITED PROVINCES TOWN AREAS IMPROVEMENT BILL, 1913

[*Munshi Narsingh Prasad, Mr. Abdur Rauf.*]

payers could call them to account if their work was found unsatisfactory. It is therefore in the fitness of things that the principle of local self-government should, in a much larger measure, be introduced into the Bill. I do not, however, mean to suggest that it should be introduced wholesale in all town areas at once. But what I do submit is that in those places at least where the provisions of Act XX of 1856 are already in force, provision should be made in the Bill for the introduction of the system at once. The residents of such towns are generally intelligent and advanced enough to use with discretion and advantage the powers that would be conferred upon them. They are fully alive to the disadvantages of a system which makes them pay for the carrying out of objects over which they themselves have no sort of control. There is no fear that they would in any way abuse such powers, and if they ever did so, provision could be made in the Bill for the assumption by the Magistrate of the functions of the panchayat. A similar provision already exists in section 15 of the Bill. And in this connection I may submit that the penalty prescribed in section 11 for refusal to serve on the panchayat is very severe and would prevent good and competent men from coming forward to serve on the panchayat. When members are nominated by the Magistrate, not with their own consent, to serve on the panchayat, it seems rather hard that they should be saddled with a fine of Rs. 5 if they refuse to undertake the office or omit to perform the duties thereof.

"Another matter requiring the serious consideration of the Select Committee is that under section 12 the District Magistrate has the power to impose a tax and under section 17 (1) an appeal against the levy of any tax lies to the same District Magistrate. Again, under section 13, the assessment is to be made by the panchayats appointed by the Magistrate whose confirmation is needed to validate the assessment, and under section 17 (1) an appeal against the assessment of any tax lies to such Magistrate as the District Magistrate may appoint in this behalf. It is possible that the Magistrate so appointed to exercise the powers of an appellate court may be the same as confirmed the assessment under section 13. The result in both the above cases is that the Bill provides for an officer sitting in appeal against his own orders. This defect should be remedied.

"In conclusion I would submit that the adoption of a liberal policy in the framing of the Bill would result in advantage both to the people and to the Government. If village communities are revived through the enactment that is proposed to be made, a new era of progress will dawn upon the people. It will elevate the people to do their own work rather than depend entirely on the Magistrate and the Government to do all the work for them. It will lighten the burden of the Government and enable it to be in direct touch with the people through the village communities and panchayats rather than deal with them through chaukidars and patwaris. It will train people to work for the improvement of local areas in an organized manner and help them in stopping these petty *sulms* which every place situated at some distance from the head quarters is liable to, and which the Government has always been trying in vain to stop by rules and orders. If such a liberal policy is introduced into the proposed legislation, then alone will it become a popular measure, a measure that will be hailed by the people with delight and serve as a landmark in the history of good Government in these provinces."

The Hon'ble MR. ABDUR RAUF said —

"I must express my satisfaction that the step which has been taken is in the right direction, and I hope that if the Bill becomes law it will lead to the improvement of small towns. I am in agreement with the honourable members who have already spoken that in framing the Bill the provisions of the old Chaukidari Act XX of 1856 have been very much drawn upon. I would submit that since then the country has much advanced and university education has spread sufficiently and people have begun to take interest in public matters. It will not be just to think that they will not

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[Mr Abdur Rauf, Dr Tej Bahadur Sapru]

take interest in village sanitation I trust that it will not be necessary to force them by threat of punishment to undertake the duties provided by the Act I would therefore beg to suggest that under this Act an elective system should be introduced, so that the members of the panchayat should be chosen from among the people by their own men, so that they may be willing to undertake to do the work out of love for the work. The Act provides that if a person nominated by the Magistrate as a member of the panchayat refuse to act he should be punished by fine I maintain that the members of the panchayat should be elected and there should be a further provision to the effect that in case they do not take sufficient interest in the work they should be liable to removal Of course there are many minor things in respect of which it is not necessary to say anything at this stage of the Bill, but if there are any suggestions to make I shall take care to bring them to the notice of the Select Committee I would suggest, as my friend the Hon'ble Khwaja Ghulam-us Saqlain has done, that charitable institutions and waqf properties should be exempted from assessment I have some experience of the municipality of Allahabad that hostels attached to colleges and schools and shops attached to certain mosques have been assessed with taxes Having had this experience, I would suggest that a definite provision should be made in the body of the Bill prohibiting the assessment of such places"

The Hon'ble DR TEJ BAHADUR SAPRU said —

"I desire to add a few words in support of the general policy of the Bill I am entirely in agreement so far as the details of the Bill are concerned I do not think that this is the proper stage at which I will be justified in speaking at length But the reason why I welcome this Bill is that I look upon it as a step in the right direction I welcome it because it shows that the Government is prepared to recognise the necessity and utility of village panchayats Students of Indian history know what an important part these panchayats have played in the development of India and other countries It seems to me that in introducing this measure the Government is distinctly showing a respect for popular demand with regard to village panchayats I do not propose to offer any criticisms on the details of the Bill, but I will, with Your Honour's permission, make a few observations with regard to certain sections of the Bill—sections which deal with questions of principle The most important section, to my mind, which is really the distinct feature of the Bill, is section 10, which says,—“Subject to such rules as the Local Government may prescribe, the Magistrate shall for every town area constitute one or more panchayats as may be necessary and shall appoint the members thereof” Well, reading this section together with section 25, sub-section (1), clause (b), and bearing in mind the words “or election,” it seems to me that the idea of allowing election in the constitution of village panchayats is certainly present to the mind of the Government But what I wish to point out is that while the idea is incidentally mentioned in sub-section (1), clause (b) of section 25, the section as it stands indicates that, in the beginning at any rate, these village panchayats shall be constituted by nomination by the district magistrate Now, the idea is certainly present to the mind of the Government that there should be election I should think that there should be a specific section laying down that there shall be election in the constitution of the village panchayats As the Bill stands at present, it may be difficult to reconcile these two sections, unless there are very express rules made afterwards. Now, Sir, this Bill is intended for small areas and for village populations practically. I should think that a Bill like this should be simple, self-sufficient and effective It seems to me that while it is no doubt effective in a very great measure, it lacks the simplicity and self-sufficiency Well, these are, however, questions which will properly arise when each section of the Bill has to be examined In the meantime, I do not wish to enter into discussion, and all I say is this that so far as the question of election is concerned, that should be placed beyond all possible doubt, and should not be left to the provisions of sub-section (2) of section 25"

THE UNITED PROVINCES TOWN AREAS IMPROVEMENT BILL, 1913

[Mr Pim

The Hon'ble MR PIM said —

"A number of honourable members have generally discussed and approved of the principle of the Bill, but, as I understand from the criticisms, their contention is that the Bill does not go far enough in adapting itself to the changed conditions as compared with those which existed when the original Act was framed. It will in many ways have to deal with new conditions and have to adapt itself to them. The original Act was intended to raise money which was to be spent almost entirely on charges for police. These charges did not as a rule particularly commend themselves to all the residents of the towns. The new Act will provide for the raising of funds which are to be spent on objects of definite public advantage in the towns and which at any rate the intelligent members of the community should appreciate. There are, however, a large number of towns to be considered—257 as I mentioned before—and they include towns of very different types, with inhabitants of very different turns of mind. In a good many there would be a considerable amount of public spirit and of willingness to work for public ends in others that might not be so. So the Act will have to be sufficiently flexible to deal with all the different conditions of these towns.

"The main contention of the honourable members who have spoken on the subject is, I understand, that the principles of election and of delegation of powers shall be given a more prominent place in the Act and that election more especially shall not be brought in as it were by a side wind in one clause of the Act. It has not, I think, been sufficiently taken into account by some members that the sections to which they object as contrary to all principle—more especially section 11—are merely repetitions of the sections which exist in the old Act. But whether those sections shall now be further modified to be more in accordance with modern conditions is certainly a question which will have to be considered and for which the Select Committee will be the proper place for consideration.

"As I have already said the Government has accepted the principle that election should be introduced as an ideal for the future and the real difference is, I think, in the conception as to the rate at which the new principle should be introduced. That also is a point with which the Select Committee can with advantage deal.

"Similarly with regard to the delegation of powers. There is, I think, a somewhat exaggerated view taken of the powerlessness of the panchayats and of their inability to give any opinion about any matter of importance. Even at the present time, when panchayats have such limited powers, their opinion is taken, and it is certainly necessary to provide that their opinion shall be taken with reference to whatever action is found necessary in improving these towns in the future. But as to the machinery by which it can be best introduced in the Act, that is a question which can hardly be considered at this stage.

"As regards powers of appeal which have been granted to the District Magistrate, there is also, I think, a certain amount of confusion between the individual assessments and the fixing of the total amount which is to be assessed. The District Magistrate will never make the individual assessments. As the Bill stands, all he will have to do is to settle what amount is to be raised for the general administration and improvement of the town—distribution of the amount is a matter for the panchayat.

"I do not think it is necessary for me to add anything further at this stage. With the general principles which are, I think, underlying the speeches of honourable members, I have much sympathy, but how they can be best brought into effect by provision in the Act will no doubt be fully considered in the Select Committee."

The motion for leave to introduce was then put and agreed to

THE UNITED PROVINCES TOWN AREAS IMPROVEMENT BILL, 1913

[Mr Pim.]

The Hon'ble MR PIM then introduced the Bill and moved that it be referred to a Select Committee consisting of the undermentioned members.—

The Hon'ble MR TWEEDY.

" RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN.

" LALA SUKHBIR SINGH.

" RAI GANGA PRASAD VARMA BAHADUR

" - SAHYID RAZA ALI.

" MR. ASHWORTH, and

" MR PIM •

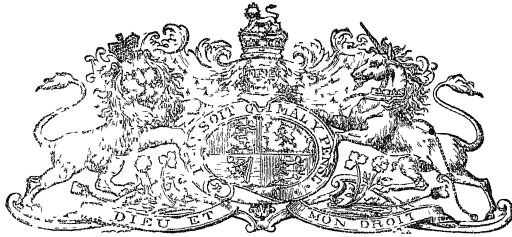
The motion was put and agreed to

The Council was then adjourned *sine die*

ALLAHABAD

The 22nd January 1913. }

W K. PORTER,
Secretary, Legislative Council,
United Provinces.



Government Gazette,

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to this part, in order that it may be filed as a separate compilation

Published by Authority.

ALLAHABAD, SATURDAY, MARCH 22, 1913

PART VII.

LEGISLATIVE DEPARTMENT.

GOVT. UNITED PROVINCES

The 18th March 1913.

No. 17—XVII/7.—The following Bill, which it is proposed to introduce and take into consideration at the meeting of the United Provinces Legislative Council to be held on the 9th April 1913, is published for general information :—

A draft bill to amend the United Provinces Steam Boilers and Prime Movers Act, 1899.

ACT No OF 19

AN ACT TO AMEND THE UNITED PROVINCES STEAM BOILERS AND PRIME MOVERS ACT (I OF 1899).

1. This Act may be called the United Provinces Steam Boilers and Prime

Short title Movers (Amendment) Act, 19 ,
Commencement and it shall come into force on the day of 19 .

2 After the definition of "inspector" in section 2 of the United Provinces Steam Boilers and Prime Movers Act, 1899, the following words shall be added, namely :—

"And 'the Inspector' when used in reference to any engine or prime mover means the Inspector to whom is assigned, under clause (2) of section (3), the local area in which such engine or prime mover is situated

3. In section 6, sub section (1) of the said Act the words "for the local area in which it is situated" shall be omitted

4. For section 10 of the said Act the following section shall be substituted, namely :—

"10. (1) Every licence granted under this Act shall state the period for which it is to continue in force, and shall be granted subject to the condition that no addition or alteration is made to the boiler or prime mover, as the case may be, likely to affect its

Conditions under which licence may be granted.

Amendment of section 2, United Provinces Act I of 1899.

Amendment of section 6, United Provinces Act I of 1899

Amendment of section 10, United Provinces Act I of 1899.

strength or safety, and that it is not used otherwise than in a condition which the owner in good faith believes to be compatible with safe working

(2) In addition, a licence granted under section 8 shall be subject to the condition that, except as otherwise provided by any rule made under this Act, and for the time being in force, the boiler or prime mover shall remain in the charge of an engineer or engine-driver possessing the qualifications specified in section 8, sub section (2), in respect of a boiler or prime mover of like horse-power

(3) In addition, a licence granted under section 9 shall be subject to the condition that, except as otherwise provided by any rule made under this Act, and for the time being in force, the boiler shall remain in the charge of an engineer who has obtained, in accordance with rules made under section 4, a certificate as an engineer of the first class "

Addition of a new section after section 10, United Provinces Act I of 1899

5. After section 10 of the said Act the following section shall be added, namely .—

"10A If at any time during the period for which a licence under section 8 or section 9 is in force, any structural alteration or renewal is made in any part of the boiler or prime mover to which such licence relates, the owner of such boiler or prime mover shall give notice in writing of such alteration to the Inspector either before the same is commenced or whilst it is in progress "

Addition of a new section after section 10A, United Provinces Act I of 1899.

6 After section 10A of the said Act the following section shall be added, namely .—

"10B (1) Every owner or person in charge of a licensed boiler or prime mover shall report in writing to the Inspector, within twelve hours of its occurrence, every accident to the boiler or prime mover, or to any apparatus attached thereto, which is likely to weaken the strength of such boiler or prime mover or which has occasioned injury to any person or property

(2) Every such report shall contain a true description of the nature of the accident and of the injury thereby caused, sufficient to enable the Inspector to judge of the gravity of the accident

(3) The owner or person in charge of the boiler or prime mover shall be bound to answer truly, to the best of his knowledge and ability, every question put to him in writing by the Inspector as to the cause, nature and extent of the accident "

Amendment of section 11, United Provinces Act I of 1899.

7. For section 11 of the said Act the following section shall be substituted, namely .—

"11 Any person authorized by the Government in this behalf may revoke or suspend any licence granted under this Act in respect of any boiler or prime mover when he has reason to believe—

(a) that the licence has been fraudulently obtained or without sufficient examination ; or

(b) that the boiler has been used in contravention of any of the conditions subject to which the licence has been granted "

Amendment of section 13, United Provinces Act I of 1899.

8 In section 13 of the said Act, for the words " an Inspector " the words " the Inspector " shall be substituted

9 For section 14 of the said Act the following section shall be substituted, namely .—

"14 Any owner of a boiler or prime mover who uses the same, or permits it to be used, without a licence duly obtained under this Act, and in force in respect thereof, or in contravention of any of the conditions subject to which such licence has been granted, shall, on conviction before a magistrate of the first class, be punished with fine which may extend to five hundred rupees."

Substitution of a new section for section 14, United Provinces Act I of 1899.

Penalty for using boiler or prime mover without licence

10 After section 14 of the said Act the following section shall be added, namely —

“14A (1) Any owner of a boiler or prime mover who, having a licence granted under this Act and in force in respect thereof, fails, without sufficient cause,—

(a) to produce his licence when called upon at any reasonable time to do so by a magistrate having jurisdiction in the place in which the boiler or prime mover is situated or by any person authorized in writing by such magistrate to demand the production of his licence, or

(b) to give notice, as required by section 10A, of any structural alteration or renewal in the boiler or prime mover, or

(c) to report, as required by section 10B, any accident of the kind mentioned in that section,

and (2) any person who prevents the Inspector from entering, as permitted by section 13, any place or building, shall, on conviction before a magistrate of the first class, be punished with fine which may extend to one hundred rupees.”

11 In section 17(d) for “section 11(b) and (c)” the word and figure “section 10” shall be substituted

12 To the form of licence set forth in the first schedule to the said Act the following note shall be added, namely —

“This licence is granted subject to the following conditions —

I —No addition or alteration shall be made to this boiler (or prime mover) likely to affect its strength or safety,

II —This boiler (or prime mover) shall not be used otherwise than in a condition which the owner in good faith believes to be compatible with safe working,

III —Except as otherwise provided by any rule made under the United Provinces Steam Boilers and Prime Movers Act, 1899, and for the time being in force, this boiler (or prime mover) shall remain in the charge of an engineer or engine-driver possessing the qualifications specified in section 8(2) of the said Act in respect of a boiler or prime mover of like horse-power”

13 To the form of licence set forth in the third schedule of the said Act the following note shall be added, namely —

“This licence is granted subject to the following conditions.—

I —No addition or alteration shall be made to this boiler (or prime mover) likely to affect its strength or safety,

II —This boiler (or prime mover) shall not be used otherwise than in a condition which the owner in good faith believes to be compatible with safe working,

III —Except as otherwise provided by any rule made under the United Provinces Steam Boilers and Prime Movers Act, 1899, and for the time being in force, this boiler (or prime mover) shall remain in the charge of an engineer who has obtained, in accordance with the rules made under section 4 of the said Act, a certificate as an engineer of the first class”

Addition of a new section after section 14, United Provinces Act I of 1899.

Amendment of section 17, United Provinces Act I of 1899

Amendment of the first schedule to the United Provinces Act I of 1899.

Amendment of the third schedule to the United Provinces Act I of 1899.

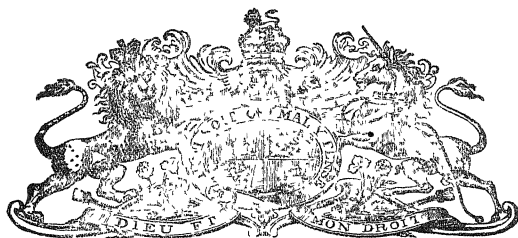
STATEMENT OF OBJECTS AND REASONS

THE main object of this bill is to remedy two defects which experience has shown to exist in the United Provinces Steam Boilers and Prime Movers Act, 1899. It has been found that the safeguards provided by the Act are insufficient to meet cases in which a licensee, subsequently to the acquisition of a licence, uses his boiler either when in an unsafe condition or otherwise than in charge of a competent engineer, the penalty provided being merely the possibility of losing his licence. Sections 10, 11 and 14 of the Act have been amended with the object of enabling

such improper use of a boiler to be visited with a severer penalty than the mere possibility of the licence being cancelled and more stringent supervision than heretofore to be exercised over boilers after they have been licensed. With the same object the forms of licence prescribed and set forth in the first and third schedules have been made more definite. Subsidiary to the main purpose of the bill, sections 10A and 10B have been added, the one to prevent a boiler subsequent to licensing being, without due authorization, substantially altered, the other providing for a report being made in case of every accident to a boiler or prime mover which may interfere with its efficiency or has occasioned injury to person or property. These are the principal amendments which the Act is considered to require. The definition of "Inspector" has, however, been under consideration, and has been amended so as to avoid the raising of questions as to the authority of an Inspector to take action under the provisions of the Act otherwise than within the circle or area assigned to him.

W. G. WOOD.

By order of the Hon'ble the Lieut-Govr., United Provinces,
R. BURN,
Chief Secretary to Government, United Provinces.



Government Gazette,

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to
this part, in order that it
may be filed as a separate
compilation

Published by Authority.

ALLAHABAD, SATURDAY, MARCH 15, 1913

PART VII

GOVT., UNITED PROVINCES

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR THE UNITED PROVINCES OF AGRA AND OUDH, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO 1909.

The Council met at the Mayo Hall, Allahabad, at 11 a.m., on Thursday, the
13th March, 1913

PRESENT

The Hon'ble SIR JAMES SCORGIE MESTON, KCSI, LIEUTENANT-GOVERNOR,
presiding

The Hon'ble MR. D C BAILLIE, CSI., ICS, *Vice-President.*

The Hon'ble RANA SIR SHEORAJ SINGH, KCIE.

The Hon'ble MUNSHI MAHADEO PRASAD, M.A., LL.B.

The Hon'ble DR. SUNDAR LAL, RAI BAHADUR, B.A., LL.D., C.I.E.

The Hon'ble SAHYID MUHAMMAD ABDUR RAUF.

The Hon'ble RAI SHANKAR SAHAI SAHIB

The Hon'ble BABU BALAK RAM

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR.

The Hon'ble BABU BRIJNANDAN PRASAD, M.A., LL.B.

The Hon'ble PANDIT MOTI LAL NEHRU

The Hon'ble RAI GOKUL PRASAD BAHADUR, M.A., LL.B.

QUESTIONS AND ANSWERS

[*Khwaja Ghulam-us-Saqlain, Mr. Burn*]

The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH, K.C.I.E

The Hon'ble KHWAJA GHULAM-US-SAQLAIN, B.A., LL.B

The Hon'ble SAHYID RAZA ALI, B.A., LL.B

The Hon'ble SHAIKH SAHID HUSAIN, B.A., LL.B.

The Hon'ble BABU MOTI CHAND

The Hon'ble MUNSHI ASGHAR ALI KHAN, KHAN BAHADUR, B.A., LL.B.

The Hon'ble MR H LEDGARD

The Hon'ble MR G A TWEEDY, ICS

The Hon'ble MR R. BURN, ICS

The Hon'ble MR J M HOLMS, CSI, ICS

The Hon'ble MR A W PIM, ICS

The Hon'ble MR C H HUTTON

The Hon'ble MR W G WOOD

The Hon'ble COLONEL C C MANIFOLD, IMS

The Hon'ble LIEUT.-COLONEL C MACTAGGART, CIE, IMS

The Hon'ble MR C F DE LA FOSSE

The Hon'ble MR D M STRAIGHT

The Hon'ble MR H R C HAILEY, ICS

The Hon'ble MR E H ASHWORTH, ICS

The Hon'ble CHAUDHRI MAHARAJ SINGH, RAI BAHADUR.

The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR

The Hon'ble KUNWAR ADITYA NARAYAN SINGH.

The Hon'ble NAWAB MUMTAZ-UD-DAULA SIR MUHAMMAD FAIYAZ ALI KHAN,
KCIE, KCVO, CSI.

The Hon'ble MR F MACKINNON

The Hon'ble DR TET BAHADUR SAPRU, M.A., LL.D

The Hon'ble LALA SUKHBIR SINGH

The Hon'ble RATA FRANCIS XAVIER SHIAM RIKH.

The Hon'ble RAI NATTHI MAL BAHADUR, CIE

The Hon'ble MUNSHI NARSINGH PRASAD, M.A., M.R.A.S.

The Hon'ble MR W J D BURKITT, ICS

The Hon'ble MR W H COBB, ICS

NEW MEMBERS

The following honourable members made an oath or affirmation of allegiance to the Crown as prescribed by Regulation VII of the Regulations of the Governor General in Council for the nomination and election of members of the Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh and thereafter took their seats in Council —

The Hon'ble NAWAB MUMTAZ-UD-DAULA SIR MUHAMMAD FAIYAZ ALI KHAN,
KCIE, KCVO, CSI

The Hon'ble MR. W. H. COBB, ICS

The Hon'ble MR W J D BURKITT, ICS

QUESTIONS AND ANSWERS

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked. —

"Will the Government be pleased to lay on the table the number of rural co-operative banks in each district of the United Provinces?"

The Hon'ble MR BURN replied :—

"The statement asked for is laid on the table."

(See Appendix I.)

QUESTIONS AND ANSWERS.

[*Khwaja Ghulam-us-Saqlain, Mr. Burn, Mr. Burkitt*]

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked:—

"Is it or is it not a fact that very few such banks have been opened in the Meerut, Muzaffarnagar and Saharanpur districts?"

The Hon'ble MR. BURN replied:—

"The number is comparatively small in the three districts named."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked:—

"Are there any Government officials appointed to open such banks in Meerut, Muzaffarnagar and Saharanpur districts, and, if so, how far they have done any work for these districts?"

The Hon'ble MR. BURN replied:—

"There are no Government officials whose chief duty it is to open co-operative banks in any particular district. Co-operative societies are initiated either by an honorary worker or by a central organization with the advice and assistance of the Registrar and his staff. It has been found by experience that efforts to force the movement in any particular locality generally end in failure. In the three districts mentioned, a number of societies were formed during the early years of co-operative work and had to be liquidated owing to the apathy of the people."

"The Registrar has made further inquiries during the last twelve months in consultation with the Collectors of the three districts named. In Saharanpur, two new societies were opened in April 1912, and arrangements are already in progress for a further extension of the work. In Muzaffarnagar the conditions still appear to be unfavourable. In Meerut 20 societies have been registered since July last in the neighbourhood of Hapur where some local land-holders have come forward to help the movement."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked:—

"Has the attention of the Government been called to the various complaints published for several months in English and vernacular papers including the "Leader," the "Advocate," the "Muslim Gazette" and the "Al Bashir," regarding the mismanagement in the Agra Medical School, and has the Government taken any step, or does the Government propose to take any step, to remove the complaints published?"

The Hon'ble MR. BURKITT replied:—

"The attention of Government has been drawn to certain articles in the newspapers mentioned on the subject of the Agra Medical School."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked:—

"Is it or is it not a fact that Musalman students in the Agra Medical Boarding House are not allowed to subscribe for papers representing the Muslim views and policy?"

The Hon'ble MR. BURKITT replied:—

"The answer is in the negative."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked:—

"Is it or is it not a fact that even the Musalman students are not allowed to take their food in their rooms and are compelled by the rules to eat in the kitchen on bare floor according to the orthodox Hindu methods, and if so, is that order in pursuance of any Government resolution?"

The Hon'ble MR. BURKITT replied:—

"There are separate kitchens for Hindus, Muhammadans, and Sikhs. The students divide themselves up into messes of six or eight in each mess, the food arrangements being made by one or two appointed by each mess. Hostel rule

QUESTIONS AND ANSWERS

[*Khwaja Ghulam-us-Saqlain, Mr Burkitt, Mr Burn, Munshi Asghar Ali Khan, Khan Bahadur*]

number 22 lays down that all students must take their meals in one or the other of the boarding house kitchens. This rule, however, has never been enforced. The Government will consider the question of amending it."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"Will the Government be pleased, in view of the general complaints of the Muslim public, to appoint some Musalman member of the Agra Medical School staff to superintend the Musalman boarders, under the general supervision of the Principal?"

The Hon'ble MR BURKITT replied —

"Government is not prepared to alter the present arrangements of the control and supervision of the Hostel."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"How many students are now under instruction in the military class of the Agra Medical School, in which class matriculation before entrance is not a necessary qualification, and how many of such students are Musalmans?"

The Hon'ble MR BURKITT replied —

"There are 71 students in the military class of the Agra Medical School and of these 12 are Muhammadans."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"Has the increase in the cadre of deputy collectors as proposed by Mr. Pike, been sanctioned, if so, how will it be carried out and what will be the total increase?"

The Hon'ble MR BURN replied —

"The Secretary of State has sanctioned an increase in the cadre of deputy collectors from 251 to 312. The scheme will be carried out in stages. A table showing the increase in numbers, the regrading sanctioned and the stages in which it is at present proposed to introduce the scheme is laid on the table. Budget provision is being made to introduce the first stage of regrading with effect from the 1st March 1913 and twelve additional probationary deputy collectors have already been appointed. The remaining stages will be introduced as funds permit."

(See Appendix II)

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"In consequence of the increase in cadre how many tahsildars are proposed to be nominated by the Board of Revenue this year?"

The Hon'ble MR. BURN replied :—

"Hitherto the rule has been that about 19 candidates were selected annually and received appointments as probationary deputy collectors when vacancies occurred. Of the total nine or ten were selected from candidates nominated by the Board of Revenue, who were required to nominate executive officials, and as a rule tahsildars. The Board of Revenue have been informed that in September next it is proposed to select thirty candidates of whom about 18 will be chosen from officials. As an exceptional case some nominations of officers of other departments in addition to tahsildars will be considered."

The Hon'ble MUNSHI ASGHAR ALI KHAN, KHAN BAHADUR, asked —

"Is it a fact that in the list of voters for the district board of Shahjahanpur the number of Muhammadan voters is very small as compared with the number of Hindu voters and that some years ago the number of voters of both the communities used to be about equal?"

QUESTIONS AND ANSWERS

[*Mr. Pim, Munshi Asghar Ali Khan, Khan Bahadur, Munshi Mahadeo Prasad, Mr. Burkitt, Mr. Burn*]

The Hon'ble MR PIM replied —

"In the list of voters for the district board of Shahjahanpur the number of Muhammadan voters is now 69 as compared with 232 Hindus. On the basis of population Muhammadans would be entitled to 44 voters as compared with 255 Hindus. The records show that the proportion of Muhammadan voters is now larger than it has been at any time since the year 1903-04."

The Hon'ble MUNSII ASGHAR ALI KHAN, KHAN BAHADUR, asked —

"Is the Government aware that at present there is not a single Muhammadan member on the district board of Shahjahanpur?"

The Hon'ble MR PIM replied —

"The honourable member is referred to the answer given to question no 18 on January 20th"

The Hon'ble MUNSII ASGHAR ALI KHAN, KHAN BAHADUR, asked —

"Will the Government be pleased to order the preparation of a fully representative list of voters, so that the inequality of representation of Muhammadans may be obviated?"

The Hon'ble MR PIM replied —

"The general question of the best method of preparing list of voters for district board elections is under the consideration of the Government"

The Hon'ble MUNSII MAHADEO PRASAD asked —

"Is the Government aware of the existence of a circular issued by the Inspector-General of Police, prohibiting the taking down in writing or recording in full the statement of each witness examined before the police officer under sections 161 and 162, Criminal Procedure Code, during the police investigation?"

"Is the Government aware that instead of full statement of each witness as deposed to by him before the police officer, the police diary now contains only a brief abstract of a number of statements of very many witnesses?"

"Was the circular in question issued with the sanction of the Government?"

"Was the High Court of Judicature ever formally consulted and their opinion taken as to the advisability of the issue of such a circular?"

"Were the sessions judges of these provinces, who have to deal with the trial of more serious offences, consulted and their opinion taken?"

"Is the Government aware of the fact that the existence of the circular gives a very wide latitude, without fear of detection, for development and addition to the statements of lying witnesses between the time of their first statement before the police officer and their final examination in courts of trial?"

"Will the Government take the earliest opportunity to rescind the said circular?"

The Hon'ble MR BURKITT replied —

"The circular referred to was issued with the sanction of the Government. The High Court and Sessions Judges were not consulted prior to its issue. The circular does not prohibit the recording of statements of witnesses by the police. It directs that such statements shall not be recorded in full, and ordinarily not at all. It is understood that police diaries are now prepared in accordance with these instructions. The Government does not consider that the circular is likely to have the results suggested by the honourable member and has no intention of rescinding it."

The Hon'ble MUNSII MAHADEO PRASAD asked —

"Will the Government be pleased to state the proportion of Hindus and Muhammadans employed in executive service as (a) deputy magistrates, (b) tahsildars and naib tahsildars, (c) sub-inspectors and inspectors of police?"

The Hon'ble MR BURN replied —

"A statement showing the proportion is laid on the table."

(See Appendix III.)

QUESTIONS AND ANSWERS

[*Munshi Mahadeo Prasad, Mr. Wood, Mr. Pim, Babu Brijnandan Prasad, Mr. Burn*]

The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state if interlocking arrangements on railway lines exist in the Bengal and North-Western Railway station yards? If so, what is the total number of such stations? Was any loss to life and property caused owing to the absence of such an arrangement?"

The Hon'ble Mr. WOOD replied —

"The system of interlocking exists on the Bengal and North-Western Railway main line at some stations which are run-through stations. The Benares-Allahabad section recently opened is also interlocked. The Railway Administration consider that the advantages derived by interlocking are not commensurate with the additional cost of the installation, and they are apprehensive that the staff may rely too much on its working and relax the immediate personal control essential to safe working. Interlocking, in their opinion, would be of advantage only at stations which are run through at high speed by fast trains and is not called for at stations where trains have to stop and therefore should enter at a speed well under control.

"The total number of stations interlocked is eleven.

"The Agent of the Railway states that it is impossible to say whether any accidents have been directly due to the absence of interlocking or whether its provision would have prevented such accidents as have occurred."

The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Is the Government prepared, or has it in contemplation, to make any special grant for opening out congested areas in important municipal towns like Benares?"

The Hon'ble Mr. PIM replied —

"The Government have made large special grants for the opening out of congested areas in cities, more specially in Lucknow, Cawnpore and Allahabad. The city of Benares has received special grants aggregating Rs. 77,500 towards the cost of the Bishesharganj-Alaapura and Assi-Masanghat roads.

"An improvement scheme is under contemplation for Cawnpore, and as far as funds permit the Government are prepared to assist properly worked out schemes of town improvement. The provincial revenues available for this purpose are very limited, but a part of the grant received from the Government of India will be devoted to schemes of this character."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Will the Government be pleased to state if the question of the separate representation of the different communities on the local self-government boards is under its consideration? Have any opinions been called for as to it from the boards concerned or from any officials or non-officials or from any public bodies or associations, and if so, from whom? Will the Government be pleased, before coming to a final decision, to place the papers on the Council table and to publish them for general information and proper discussion?"

The Hon'ble Mr. BURN replied:—

"The question is now under the consideration of the Government of India. In April 1911, Commissioners were asked to obtain the opinion of municipal and district boards and of influential persons throughout their divisions. The letter asking for these opinions was published in the Gazette for public information and copies were supplied to a number of newspapers. The subject was discussed at considerable length in the public press. The Lieutenant-Governor is not prepared at present to publish the opinions received by Government in reply to the letter of April 1911."

The Hon'ble BABU BRIJNANDAN PRASAD asked:—

"(a) Will the Government be pleased to state since when has the system of making small charges for medicines and certain operations in the case of well-to-do

QUESTIONS AND ANSWERS

[Mr Burkitt, Babu Brijnandan Prasad, Mr Burn]

patients in the Bijnor district hospital been introduced? Was it introduced with the sanction of the higher authorities? What are the charges for medicines and operations? Do the rates vary with the prices of the medicines given and the operations performed or with the pecuniary circumstances and status of the patient or are they uniform?"

“(b) What was the total number of patients treated or operated upon in the said hospital since the system was introduced, and how many of them were charged for medicines and operations? Were all the persons charged really well-to-do? What is the standard adopted and what are the means resorted to to ascertain if a patient is well-to-do or otherwise?”

“(c) What was the income from the said charges and how has it been disposed of?”

“(d) Was the question discussed at the last Divisional Conference at Bareilly? If so, what were its views on the subject? Has the Government now come to any decision on the point? Will it be pleased to stop this practice as soon as possible?”

The Hon'ble MR BURKITT replied —

“(a) The system of making a small charge for medicines and operations at the Bijnor district hospital was introduced by the Civil Surgeon early in 1912 without the sanction of higher authority, but sanction was subsequently accorded.

“The fees charged for medicines and operations are nominal. They range from one pice to four annas for medicine according to the medicine supplied. The charge for operations is Rs. 1. No charge is made to patients who are really poor, and beggars.

“(b) In 1912 1,261 indoor and 16,278 outdoor patients were treated at this hospital. It is not possible to say from how many patients fees were realized, but the proportion was approximately one in every ten. The Civil Surgeon demands a fee from those persons only who in his opinion can afford to pay it.

“(c) The income derived from these fees was Rs 627-5-9. About two-thirds of this amount was paid to the subordinate staff of the hospital, and the balance was spent in or is available for the purchase of medicines.

“(d) The question of charging fees at dispensaries was discussed at the Collector's Conference held in April 1912 at Bareilly, and the general opinion was against it. The Government has not arrived at a decision yet on this question.”

The Hon'ble BABU BRIJNANDAN PRASAD asked —

“Will the Government be pleased to state the names of the officials and non-officials who have been asked to send in replies to the Public Service Commission interrogatories? What witnesses are to be personally examined by the Commission in these provinces? Has the selection been made by the Commission or by the Government? Have public bodies or associations or the services concerned been asked to elect or select some of their members to represent their views and interests before the Commission? If this has not been done, will the Government be pleased to do so now, so as to make the witnesses really representatives of the people and the services concerned?”

The Hon'ble MR BURN replied —

“A list is laid on the table showing the officials and the non-official persons and societies that have been selected by the Lieutenant-Governor to send replies to the Public Service Commission's questions. As the honourable member will see from the notice of the Royal Commission published in the Local Government's Gazette,

QUESTIONS AND ANSWERS

[*Babu Brijnandan Prasad, Mr Burkitt, Dr Tej Bahadur Sapru*]

dated the 18th January 1913, it is open to any other society, association and gentleman, official or non-official, though not included in the above list, to tender a written statement regarding any matter referred to in the questions. Witnesses for oral examination have been selected by the Commission. In addition to the gentlemen on the list whose names have been marked with a star, the Commission proposes to examine orally the Hon'ble Sayid Raza Ali, Mr Muhammad Ali (editor of the *Comrade*) and myself."

See Appendix IV

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Has the attention of the Government been drawn to the letter headed 'Civil Assistant Surgeons' Memorial' published in the *Leader* of the 17th May 1912, at page 6, column 3? Has it received the memorial referred to therein? If so, what action has been taken thereon? Will the Government be pleased to give its favourable consideration to the representations made in the memorial and the letter above referred to and to take early steps to redress the grievances so far as possible?"

The Hon'ble MR BURKITT replied —

"(a) The Government has seen the letter and has received and considered the memorial referred to

"(b) The Government is not at present in a position to state what action will be taken on the representations contained in the memorial"

The Hon'ble BABU BRIJNANDAN PRASAD asked.—

"Is the Government aware that since 1st April, 1912, the civil assistant surgeons in Bengal are drawing higher pay than before? When does the Government propose to take necessary action to improve the pay and prospects of the civil assistant surgeons in these provinces?"

The Hon'ble MR BURKITT replied —

"(a) The answer is in the affirmative

"(b) The honourable member is referred to the answer given to the preceding question"

The Hon'ble DR TEJ BAHADUR SAPRU asked —

"Will the Government be pleased to state (a) the total number of Professors and Assistant Professors, belonging to the Provincial Educational Service, attached to the Muir Central College, Allahabad, and the Queen's College, Benares, (b) the length of service of each and (c) the pay which each gets?"

The Hon'ble MR BURKITT replied —

"The information asked for will be found in the Civil List"

The Hon'ble DR TEJ BAHADUR SAPRU asked —

"(a) Will the Government be pleased to state if any Professor of Mathematics has been permanently appointed in place of Mr Cox in the Muir Central College?"

"(b) If none has been appointed, will Government be pleased to state if it will take into consideration the question of recommending a duly qualified member of the Provincial Educational Service for appointment to the vacancy mentioned above?"

The Hon'ble MR BURKITT replied.—

"The Secretary of State has appointed Mr. R. H. Moody to be Professor of Mathematics of the Muir Central College in place of Mr. H. Cox"

The Hon'ble DR TEJ BAHADUR SAPRU asked a supplementary question as to the qualifications of Mr. Moody.

The Hon'ble MR BURKITT requested that under rule 13 notice of the question might be given.

QUESTIONS AND ANSWERS

[*Dr. Tej Bahadur Sapru, Mr. Pim; Babu Balak Ram*]

The Hon'ble DR. TEJ BAHADUR SAPRU asked —

"(a) Will the Government be pleased to state the total amount of pilgrim tax realized in Ajodhya during the last official year?"

"(b) How much out of the tax so realized has been spent on the sanitation and general improvement of Ajodhya and what use has been made of the balance?"

The Hon'ble MR. PIM replied —

"(a) The receipts from the pilgrim tax in the year 1911-12 amounted to Rs 17,773

"(b) No separate account is maintained for the pilgrim tax but the following sums are reported to have been spent on the collection of the tax, the sanitation and general improvement of Ajodhya and on the special arrangements required in the interests of the pilgrims —

| | Rs |
|---|-------|
| Collection charges | 2,616 |
| Pavement of lanes in Ajodhya | 1,000 |
| Repairs to latrines, urinals, drains, &c | 314 |
| Road repairs | 1,731 |
| Conservancy charges | 8,444 |
| Temporary dispensary, police arrangements, &c | 4,202 |

The Hon'ble DR. TEJ BAHADUR SAPRU asked —

"(a) Has the attention of Government been drawn to a communication appearing in the 'Leader' of February 6th, 1913, under the heading 'The Agra Mass Meeting'?"

"(b) Does Government propose to institute an inquiry into the condition of the finances and administration of the Agra municipal board and to consider and report what reforms are possible in the said board?"

"(c) Has the attention of the Government been drawn to the correspondence between the Secretary of the Hume Ratepayers' Association and the chairman of the municipal board of Agra, published in the 'Leader' of January 18th, 1913, at page 6?"

"(d) Will Government be pleased to state whether the chairman of the municipal board considered the whole of the letter of the secretary of the Hume Ratepayers' Association, or any part of it, and if so what, to be 'impertinent', and whether the chairman has at all brought to the notice of the board the substance of that letter?"

The Hon'ble MR. PIM replied —

"Government has seen the newspaper communications referred to by the honourable member, and is now considering the position in the Agra municipality."

The Hon'ble BABU BALAK RAM asked —

"Has it come to the notice of the Government—

"(a) that owing to the platform on which the booking and telegraph offices stand not being built on the populous side of the town of Ajodhya, a great inconvenience is caused to all classes of passengers and exposes them to danger while passing through the level crossing about the time of arrival and departure of trains,

"(b) that the corrugated iron shed for the third class passengers being open on all sides does not only afford inadequate protection from cold, heat and rain but its superficial area is quite insufficient to accommodate the large number of pilgrims who daily come and depart from Ajodhya—one of the most sacred places of the Hindus,

"(c) that there is no separate accommodation for female passengers; and

"(d) that there is no waiting room for the first and second class passengers?"

"Will the Government be pleased to invite the attention of the railway authorities to remove the defects and inconveniences described above?"

QUESTIONS AND ANSWERS.

[Mr Wood, Babu Balak Ram, Mr Pim, Mr. Tweedy, Lala Sukhbir Singh ;
Mr Burkitt]

The Hon'ble MR WOOD replied —

"It is recognised that facilities for the convenience of passengers at the Ajodhya railway station are insufficient and it has been ascertained from the Agent, Oudh and Rohilkhand Railway, that the whole question is under consideration"

The Hon'ble BABU BALAK RAM asked —

"With reference to the remarks contained in the last portion of paragraph 3 of Government resolution no 26/XI—110E, -1913, printed at page 67 of the United Provinces Gazette dated the 11th January 1913, Part VIII, will the Government be pleased to take in hand at an early date modifications in the rules at present in force for regulating municipal elections on the following matters —

(1) to expedite final decision in suits for contesting elections,

(2) to specify the grounds on which a municipal election can be challenged?"

The Hon'ble MR PIM replied —

"The matters referred to by the honourable member are under the consideration of Government."

The Hon'ble BABU BALAK RAM asked :—

"Will the Government be pleased to lay on the table a statement for the period of five years from 1907-08 to 1911-12, giving the following particulars —

(a) The annual amount paid by the litigants of all classes on account of process fees in regular suits, execution of decree cases and all kinds of miscellaneous applications and proceedings in all Revenue and Rent Courts, original and appellate, in the United Provinces of Agra and Oudh

(b) The annual amount spent during those five years in the payment of salaries and fees to the process servers and in the cost of establishment and other charges"

The Hon'ble MR TWEEDY replied —

"A statement is laid on the table showing the amount paid for process fees by litigants of all classes in all the regular suits in both original and appellate Revenue and Rent courts for the United Provinces in which these process fees have been levied in court fee stamps. The return also shows the amount spent on the establishment concerned.

"It is not possible without detailed inquiry from districts and possibly from the Head Account office to state the exact amounts paid in cash by litigants in execution of decree cases and all kinds of miscellaneous applications and proceedings in Revenue and Rent courts. Such items are shown in a consolidated return from the quirk amins, including fees on all kinds of sales, many of which, such as the sale of property for arrears of Government revenue, or of demands recoverable as Government revenue, cannot be said to be paid by the litigants to whom the honourable questioner limits the scope of his inquiry."

(See Appendix 'V')

The Hon'ble LALA SUKHBIR SINGH asked —

"Will the Government be pleased to state the names of districts where village munsifs have been appointed? Will it be not more useful to form benches of these village munsifs also?"

The Hon'ble MR BURKITT replied :—

"(a) A statement giving the information asked for is laid on the table.

(See Appendix VI)

(b) The honourable member is referred to the answer given to the question asked by him on August the 11th, 1911."

QUESTIONS AND ANSWERS

[*Lala Sukhbir Singh, Mr. Hutton, Mr. Pim, Mr. Wood*]

The Hon'ble LALA SUKHBIR SINGH asked —

"Will the Government be pleased to state as to whether the owner's rate is levied only upon the *muafi* villages in the Etawah district or on the revenue paying villages also?"

The Hon'ble MR HUTTON replied —

"Owper's rate is levied in the Etawah district upon all lands assessed as dry at last settlement"

The Hon'ble LALA SUKHBIR SINGH asked —

"Will the Government be pleased to draw the attention of the district or municipal board, Etawah, to repair the small portion of the metalled road from the Jumna bathing ghat to the Kali temple crossing, Gwalior road, a length of only about half a mile, which is badly wanted there for foot passengers and for a pleasant drive along the Jumna bank?"

The Hon'ble MR PIM replied —

"The answer is in the negative. It is open to the honourable member to address the authority directly responsible for the road."

The Hon'ble LALA SUKHBIR SINGH asked —

"Is the Government aware that the terminus station of the Shahdara-Saharanpur Railway at Saharanpur is far away from the Saharanpur main station on account of which the passengers feel it very inconvenient to catch the trains?"

"Will it be pleased to order the two stations to be so connected as to remove this inconvenience?"

The Hon'ble MR WOOD replied —

"Since the opening of the line in October 1907 no complaints have been received of any inconvenience experienced by passengers owing to the location of the terminus station of the Shahdara-Saharanpur Light Railway. The site was selected as near the North-Western Railway station as circumstances would permit. The desirability of having both stations in close proximity was duly considered prior to the construction of the line but no other space was forthcoming except the existing one where the station has been erected.

"The distance between the Shahdara-Saharanpur Railway passenger exit and the North-Western Railway foot bridge leading to their platform is about 1,200 feet which is by no means excessive as compared with the distance traversed by passengers at large stations in obtaining access from one platform to another.

"In these circumstances the Local Government does not see its way to take further action in the matter."

The Hon'ble LALA SUKHBIR SINGH asked —

"Will the Government be pleased to lay on the table a statement showing the income and the expenditure of the cotton, silk and woollen factories now working under the Director of Industries, for the financial year 1911-1912?"

The Hon'ble MR PIM replied —

"There are no cotton, silk or woollen factories working under the Director of Industries but it is presumed that the honourable member refers to the Weaving Schools which are controlled by local committees under the supervision of the Director of Industries. A statement showing their opening balances, income—including grants received from Government—and expenditure is placed on the table, but it must be understood that these schools are conducted as educational and not as commercial institutions."

(See Appendix VII.)

QUESTIONS AND ANSWERS.

[*Lala Sukhbir Singh, Mr. Burkitt; Mr. Baillie, Rana Sir Sheoraj Singh; Mr. de la Fosse, Mr. Hutton, Babu Brijnandan Prasad*]

The Hon'ble LALA SUKHBIR SINGH asked —

"Will the Government be pleased to state when is it likely that the Subordinate Judge's Court in Muzaaffarnagar will be established?"

The Hon'ble MR BURKITT replied —

"A Subordinate Judge's Court cannot be established at Muzaaffarnagar till the necessary buildings have been provided there. The Government regret that it is at present unable to state when the construction of these buildings is likely to be taken in hand."

The Hon'ble LALA SUKHBIR SINGH asked —

"Will the Government be pleased to state the estimate made by the Board of Revenue, of the increase from the revision of assessment in the Etawah district, and whether assessments in any tahsil have been declared there, and, if so, whether they conform to the estimates, and, if they are in excess of them, what is the amount of increase?"

The Hon'ble MR. BAILLIE replied —

"The current revenue of the Etawah district is upwards of 13½ lakhs. The enhancement expected from the re-settlement of the district is 1½ to 1½ lakhs. No assessments have yet been declared in any pargana."

The Hon'ble RANA SIR SHEORAJ SINGH asked —

"Will the Government be so pleased as to arrange for periodical medical examination of school-going population with a view to safeguarding them from attacks of diseases consequent on hard mental labour and advising them to resort to proper treatment?"

The Hon'ble MR BURKITT replied —

"The subject is under the consideration of Government."

The Hon'ble RANA SIR SHEORAJ SINGH asked —

"Is the Government aware that the Urdu course of the 4th class of Vernacular Upper Primary Schools in these provinces is too simple for the requirements of the boys and girls who intend further to prosecute their studies in vernacular in the 5th and 6th classes and appear in the vernacular final examination? Will it be so pleased to revise it as to bring it in unison with the Urdu course prescribed for the Vernacular Final Examination?"

The Hon'ble MR DE LA FOSSE replied:—

"New readers for Vernacular Schools to replace those now in use are under preparation."

The Hon'ble LALA SUKHBIR SINGH asked —

"Will the Government be pleased to state whether the Moradabad district is included in the Sarda canal scheme, and if not, considering that the whole district is without any canal irrigation, will it be pleased to include Moradabad also in the scheme?"

The Hon'ble MR HUTTON replied —

"The south-eastern portion of the Moradabad district only is commanded by the proposed Sarda-Ganges feeder. The culturable area in command is about 68,000 acres and provision has been made in the project for the irrigation of 13,600 acres or 20 % of the culturable area commanded."

The Hon'ble BABU BRIJNANDAN PRASAD asked:—

"(a) Has the attention of Government been drawn to the article headed 'The Magh Mela' published in the 'Leader' of the 18th February, 1913, page 3, column 3? How far are the complaints regarding defects in the road, removal of takhts, licences for sale of milk and flowers, &c., mentioned therein true?"

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[Mr. Burn.]

- "(b) Is the officer in charge of the Mela helped or advised by any committee? If so, what is its constitution and what are its functions? Are there any rules or general directions regarding the levying of ground rents, licence fees, &c, and the rates thereof? How is the surplus income disposed of?"
- "(c) Will the Government be pleased to lay a statement on the table showing under appropriate head, the income from and the expenditure on the Magh Mela and the objects on which the surplus income was spent during the last twelve years?"
- "(d) Will the Government be pleased to frame proper rules for the appointment of committees and the management of the Magh Mela and other similar important fairs, e.g. the Ganges Fair at Guhmukteshwar?"

The Hon'ble Mr. BURN replied —

- "(a) The Lieutenant-Governor has seen the article referred to, and has made inquiries regarding the allegations made. Having himself visited the fair, he is of opinion that the arrangements for the comfort and safety of the bathers were good, and he heard no complaints whatsoever from either the priests or the people. As regards roads, the question as to what work is to be undertaken each year depends on the state of affairs then existing. It does not follow that because certain work is required one year similar operations are needed annually. The main road from the *bandh* to the Sangam was 200 feet wide and one mile and three furlongs in length. The sand was firm and dry, and the addition of a layer of mud or straw would not have been an improvement. Similarly the cost of watering it effectively would have been excessive, and there was no necessity for doing so. The slopes from the *bandh* and the road were quite practicable for wheeled traffic, and were freely used for that purpose. Heavy rain fell the night before the Basant Panchmi—two days before the article was published—but no water ran down the channel at the foot of the *bandh* or lay about in the *fau*. Some distance to the Sangam might have been saved by bridging a backwater previous to the Sankrant. This, however, would have been very costly, and as a matter of fact, the river cut into the backwater and silted it up before the Amawas. The removal of *takhts* from the immediate vicinity of the river bank was ordered by the officer in charge on 2nd January 1913, to prevent the risk of accidents owing to the crowd becoming stationary on the more important bathing days. The proposals were discussed with a representative gathering of Pragwals and Ghatias and met with their unqualified and unanimous approval. Subsequently it appeared that the space marked off to be kept free was unnecessarily large and the area was reduced by the District Magistrate in consultation with the officer in charge. Further orders on this subject were passed after consulting the Pragwals on January the 11th. The statement regarding sellers of milk and flowers is entirely misleading. These people went on strike at the beginning of the fair as a protest against an order of the Cantonment Magistrate, dated the 16th September 1911, which refers only to occasions when the Pragwals' *takhts* are on the Ben *Bandh* within Cantonment limits. No such order has been passed in regard to the fair ground beyond Cantonment limits. The sole object of the strike was to bring pressure on the District Magistrate to cancel the Cantonment Magistrate's order, which had nothing to do with the *fau*. As soon as the strikers found their action was

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[Babu Brynandan Prasad, Mr Hutton]

ineffective, the strike ceased. Wheeled traffic was forbidden on three big bathing days, namely the Makai Sankrant, the Amawas and the Basant Panchmi. This order, which is not an innovation, is a very necessary precaution on the crowded days of the fair.

"(b) No formal committee has been constituted to help or advise the officer in charge. As already stated he is in the habit of freely consulting the Pragwals and Ghatias. In 1911 when a new officer was placed in charge, and had not the services of assistants with previous experience, the officer consulted a number of gentlemen. No rules or general directions are in force regarding the levying of ground rents, licence fees, &c. With one exception no change in the rate has been made for many years. The exception is that this year the lowest rate of ground rent was raised from Rs 85 to Rs 100 per bigha. The right to open shops is generally put up to auction. Both receipts and expenditure are incorporated in the provincial accounts.

"(c) A statement of receipts and expenditure for the last 7 years is placed on the table. For previous years the honourable member is referred to the Resolution of 27th June 1907, published at page 132, Part VII of the Government Gazette of the 29th June 1907, to which is appended a statement of receipts and charges for the preceding 11 years. As stated in that resolution the average excess of income over direct expenditure for a long series of years is insignificant. Moreover, the accounts include nothing on account of the salaries of the Revenue, Police and Medical Officers in charge of the fair. If such items were included, the accounts would show an annual deficit.

"(d) The management of fairs is now under the consideration of a committee appointed by the Government of India. Till its report is received, the Lieutenant-Governor is unable to make any statement regarding the formation of committees or framing of rules for the management of the Magh Mela or other similar important fairs."

(See Appendix VIII)

The Hon'ble BABU BRYNANDAN PRASAD asked.—

"(a) In connection with my question in the Council meeting of the 18th April, 1910, and the reply thereto, will the Government be pleased to state whether any definite decision has now been come to as to course of the proposed Sarda canal? If so, what districts in these provinces will it go through? Have the needs of these provinces been adequately provided for?"

"(b) What portion of the Moradabad district will be able to profit by it? Will the Government be pleased to design the alignment in a way so as to provide for irrigation in the whole of the district?"

The Hon'ble MR HUTTON replied.—

"(a) The alignment of the Sarda canal is now before the Government of India. The projected canal will irrigate in the districts of Pilibhit, Hardoi, Shahjahanpur, Bareilly, Moradabad, Budaun and Farrukhabad.

"The honourable member may rest assured that the needs of these provinces have received due consideration.

"(b) The honourable member is referred to the answer to question no 45. The paramount necessity of a suitable crossing of the Ramganga has determined the alignment of the canal where it enters the Moradabad district.

"This alignment will not admit of the whole district being brought under command."

QUESTIONS AND ANSWERS.

[*Babu Brijnandan Prasad, Mr. Pim, Mr. Wood, Khwaja Ghulam-us-saqlain; Pandit Moti Lal Nehru*]

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Has the attention of Government been drawn to the correspondence headed 'Thomason College, Rookee: Some complaints' published in the 'Leader' of the 31st January 1913, page 6, column 4? What is the real state of affairs? Will the Government be pleased to remove the grievances of the Indian students mentioned in the said letter?"

The Hon'ble MR PIM replied —

"The question of the accommodation provided at the Thomason College Rookee, both for the European Upper Subordinate Class and for certain classes of Indian students has been under the consideration of the Local Government and provision for a new hostel for Indian students of the Civil Engineering Class has been included in the programme for educational expansion which was recently drawn up. As regards other classes of Indian students the question of their accommodation is still under consideration but the statements made in the article referred to cannot be accepted as an accurate description of the conditions."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Is the extension of the Rohilkhand and Kumaun line to Kalagarh under consideration? Is it a fact that the proposed line is to go at some distance from Thakurdwara and there will be no railway station at the place?"

"Will the Government be pleased to draw the attention of the Rohilkhand and Kumaun Railway administration and of the Railway Board to the necessity and advisability of designing the course in such a way that there may be railway connection with Thakurdwara, either by giving a slight curve to the main line or by constructing a branch?"

The Hon'ble MR WOOD replied —

"The Railway Board have sanctioned a detailed survey being carried out by the Rohilkhand and Kumaun Railway administration for a metre gauge line from Kashipur to near Kalagarh. The proposed route will not pass through Thakurdwara as it would involve an inconvenient and expensive detour which the Railway Company consider that the existing traffic would not justify."

The Hon'ble KHAWAJA GHULAM-US SAQLAIN here raised various objections based upon rule 4 of the rules relating to the asking of questions as to the questions about to be asked by the Hon'ble Pandit Moti Lal Nehru. The first question was then put and answered by clauses, and the honourable member then stated that his objection was to the second question as offending against rule 3(b). This objection was, however, overruled.

The Hon'ble PANDIT MOTI LAL NEHRU asked. —

Is the Government aware

"(a) that before the passing of the Transfer of Property Act (IV of 1882) a mortgage of immoveable property securing a loan of Rs 100 or upwards was not required by law to be attested?"

"(b) that section 59 of the aforesaid Act for the first time required such mortgages to be "attested by at least two witnesses?"

"(c) that the various High Courts in India differed as to the meaning of the word 'attested' used in the said section—(while the High Courts at Calcutta and Madras held that it was necessary for the 'attesting' witnesses to be present at the time when the executant signed the deed and to see him sign it, the High Courts at Allahabad and Bombay and the Court of the Judicial Commissioner of Oudh considered it sufficient if after the execution of the deed the executant admitted his signature on it to the 'attesting' witnesses and they on faith of such admission attested the deed)?"

"(d) that Their Lordships of the Privy Council have in the recent case of *Shamu Patter v Abdul Kadir*, reported in I L. R., 35 Madras, page 607, approved the view of the law taken by the High Courts at Calcutta and Madras and overruled the decisions of the High Courts at Allahabad and Bombay?"

QUESTIONS AND ANSWERS

[*Mr Burkitt, Pandit Moti Lal Nehru, Sayyid Muhammad Abdur Rauf, Mr Burn*]

- "(e) that a very large portion of litigation in these provinces arises out of mortgages of immoveable property,
- "(f) that by reason of recent legislation as to the period of limitation within which mortgage suits must be brought, there has been an influx of these suits in the United Provinces which brought about an enormous increase of revenue derived from court-fees?
- "(g) that a large number of mortgage cases are now pending in the High Court at Allahabad and the Judicial Commissioner's Court at Lucknow and the courts subordinate to those courts in which the great majority of mortgage deeds were attested in conformity with the view of the law prevailing in the United Provinces?
- "(h) that in cases where parda-nashin ladies are the executants of mortgage deeds it is and will always be impossible to get independent witnesses to attest the deed in the manner required by the Privy Council ruling referred to above?
- "(i) that after the said ruling of Their Lordships of the Privy Council there is no option to any court but to dismiss the claim based on a mortgage not properly attested within the meaning of that ruling."

The Hon'ble MR BURKITT replied —

- "(a) The Government is advised that the law was as stated.
- "(b) The answer is the same as to question 50(a)
- "(c) The Government is advised that there has been no direct decision on this point in the Court of the Judicial Commissioner of Oudh
As regards the other courts referred to it is advised that the number of decisions is small, but that their trend has been as stated.
- "(d) The Government is advised that the facts are as stated
- "(e) The Government is aware that this is the case.
- "(f) There was an increase in the number of suits filed due to the cause mentioned. This increase naturally resulted in an increase in the revenue derived from court fees
- "(g) This is a matter as to which Government has no information.
- "(h) The Government is not aware that this is the case.
- "(i) The Government is advised that the courts in India are bound to follow the rulings of Their Lordships of the Privy Council."

The Hon'ble PANDIT MOTI LAL NEHRU replied —

"In view of the facts mentioned in the preceding question will the Government be pleased to take into consideration the advisability of undertaking special legislation to obviate the widespread hardship and injustice which must otherwise ensue?"

The Hon'ble MR BURKITT replied.—

"Government is prepared to take the question into consideration."

The Hon'ble SAYYID MUHAMMAD ABDUR RAUF asked —

"Will the Government be pleased to state whether all the listed posts thrown open to the members of Provincial Civil Service have been filled up by appointment of competent Indians and if not, does the Government intend to fill up the remaining vacancies in the near future?"

The Hon'ble MR. BURN replied —

"All the listed appointments thrown open to members of the provincial service are at present filled by members of that service with the following exceptions:—

- (a) two judgeships which are held by statutory civilians,
- (b) three judgeships listed by the recent orders on the reorganization of the judicial service, appointments to which are under consideration,
- (c) one post of joint magistrate, which being still held by a statutory civilian, cannot be converted into a deputy collectorship."

QUESTIONS AND ANSWERS.

[*Sayyid Muhammad Abdur Rauf; Mr Burn; Mr. Straight; Mr. Pm.*]

The Hon'ble SAYYID MUHAMMAD ABDUR RAUF asked :—

"Has the attention of the Government been drawn to the fact that no deputy superintendent of police has been promoted to the first grade and that promotion to the higher grades is slow, and would the Government be pleased to take into consideration the claims of those who deserve promotion?"

The Hon'ble MR BURN replied :—

"The honourable member is referred to the answer given in reply to a similar question asked by the Hon'ble Raja Kushalpal Singh on March the 13th, 1912."

The Hon'ble SAYYID MUHAMMAD ABDUR RAUF asked :—

"Would the Government be pleased to state—

(a) What are the qualifications requisite for the appointment of Reserve Inspectors of Police?

(b) What is the total number of Reserve Inspectors of police in these provinces?

(c) Whether any Hindu or a Muhammadan has been permanently appointed to the post of a Reserve Inspector of police within the last 10 years? If not, would the Government be pleased to remove the anomaly?"

The Hon'ble MR STRAIGHT replied —

"(a) With reference to his first question the honourable member is referred to paras 326, 427 and 428 of the Police Regulations

"(b) The total number of Reserve Inspectors in the United Provinces is 78.

"(c) The answer is in the negative. The Government does not consider that any alteration in the existing practice is desirable. Reserve Inspectors and sergeants, from whose rank Reserve Inspectors are mainly recruited, have to do with European prisoners and it is for this reason usually preferable to appoint Europeans to those posts. It may be pointed out that to posts of Circle and Prosecuting Inspectors, who are graded along with Reserve Inspectors, only Indians are appointed."

The Hon'ble SAYYID MUHAMMAD ABDUR RAUF asked —

"(a) Has the attention of the Government been drawn to the circumstance that there is not a single elected Muhammadan member of the municipal board of Allahabad?

"(b) Has the attention of the Government been drawn to the fact that there is not a single non-official Muhammadan member on the district board of Mirzapur, either elected or nominated?

"(c) Will the Government be pleased to take early steps to secure to Muhammadans their due representation on the municipal and district boards of the provinces?"

The Hon'ble MR. PIM replied —

"(a) The Government are aware that there is no Muhammadan elected member of the municipal board of Allahabad. Two Muhammadan members have been nominated to the board.

"(b) The attention of Government has not been specially drawn to the fact stated by the honourable member. It appears however that there is no elected Muhammadan member of the district board and that of the three official nominated members one is a Muhammadan.

"(c) The Local Government regrets that it is not in a position at present to make any statement on the subject."

The Hon'ble SAYYID MUHAMMAD ABDUR RAUF asked —

"Will the Government be pleased to state—

(a) The total number of inspectors and assistant inspectors of schools in these provinces and how many of them are Muhammadans?

(b) The number of deputy inspectors of schools in these provinces in the several grades and how many of these are Muhammadans?

QUESTIONS AND ANSWERS

[*dir. de la Fosse ; Babu Moti Chand ; Mr. Wood ; Mr. Pim.*]

- (c) The number of sub-deputy inspectors in the several grades and how many of these are Muhammadans?
- (d) The total number of headmasters in Government High schools in these provinces and how many of them are Muhammadans?
- (e) The total number of assistant masters below the rank of headmasters drawing a salary of Rs. 50 or upwards and how many of them are Muhammadans?
- (f) Total number of clerks attached to the educational department drawing a salary of Rs. 50 and upwards and how many of these are Muhammadans?

The Hon'ble MR. DE LA FOSSE replied —

"A statement giving the information asked for is laid on the table"

(See Appendix IX.)

The Hon'ble BABU MOTI CHAND asked —

"(a) Has the attention of the Government been drawn to the letter published at page 6 of the *Leader* of the 29th of November, 1912, under the heading 'Benares Dufferin Bridge—an unsatisfactory state of affairs'?"

"(b) Has the Government received any report from the Railway Administration concerned as to the necessity of taking steps for providing other means of transport for vehicles across the river?"

"(c) If so, what action does the Government propose to take in the matter?"

"(d) Will the Government be pleased to state if, pending another arrangement, it proposes to take any steps in the matter of wheeled traffic on the bridge?"

The Hon'ble MR. WOOD replied —

"The reply to (a) and (b) is in the affirmative.

"In regard to (c) the question of providing a pontoon bridge to relieve the congestion of traffic on the Dufferin bridge over the river Ganges at Benares is under consideration and a provision of Rs. 70,000 has been made for the same in the Provincial Budget for the ensuing year.

"(d) At the present stage it would be inexpedient to take any steps in the matter of vehicular traffic on the bridge"

The Hon'ble BABU MOTI CHAND asked —

"(a) Will the Government be pleased to state whether a tax on circumstances and property has been levied in any municipality in which the system of octroi taxation has been abolished? If so, in what municipalities?"

"(b) Has the Government received a memorial as published in the *Leader* of the 15th January, 1913, page 6, submitted by the citizens of the Khanabad municipality in the district of Sitapur, objecting to the proposed levy of a tax on circumstances and property and suggesting other modes of taxation, chiefly the imposition of a house tax?"

"(c) Will the Government be pleased to state whether the memorial has yet been disposed of, and, if so, in what way?"

The Hon'ble MR. PIM replied —

"(a) The answer is in the affirmative; a tax on circumstances and property has been imposed in the towns of Kairana, Sardhana, Nagina, Mau, Oran and Kalpi in which octroi has been abolished. A similar tax has been in force for many years in Ujhani, Sahaswan, Ballia, Kashipur and Tanda.

QUESTIONS AND ANSWERS

[Babu Moti Chand ; Mr. Burkitt ; Mr. Pim]

"(b) and (c) The Government have received and fully considered the memorial referred to. The alternative methods of taxation suggested are not suited to the special conditions of Khanabad, and the petitioners have therefore been informed that the Government are unable to modify the orders already issued "

The Hon'ble BABU MOTI CHAND asked —

"(a) Will the Government be pleased to state in how many of the Government High Schools in the provinces there are special classes for teaching English to those scholars who have been through the whole course at a vernacular continuation school ?

"(b) Will the Government be pleased to direct, in view of the recent resolution of the Government of India on Education, that in all Government schools provision may be made for special classes ? "

The Hon'ble MR BURKITT replied .—

"(a) Special classes for the instruction of boys who have passed the Vernacular Final Examination and desire to read English are attached to sixteen of the forty-seven Government High Schools in these provinces

"(b) This point will be considered by Government along with the other points raised in the recent resolution "

The Hon'ble BABU MOTI CHAND asked —

" Will the Government be pleased to state whether it has considered the question of raising the pay of civil assistant surgeons, if so, what is the decision it has arrived at in the matter ? "

The Hon'ble MR BURKITT replied —

" The honourable member is referred to the answer given to question no. 27." (Cf. p. 54 *supra*)

The Hon'ble BABU MOTI CHAND asked —

" Will the Government be pleased to state what steps it proposes to take to give effect to the policy enunciated in the recent resolution of the Government of India on Education with reference (1) to the introduction of a graded service for teachers of English with a minimum salary of Rs 40 per month and a maximum salary of Rs. 400 per month, and (2) to encouraging the establishment of new aided institutions where necessary ? "

The Hon'ble MR. BURKITT replied —

" Both the matters referred to are engaging the attention of Government, but no final decision has been arrived at "

The Hon'ble BABU MOTI CHAND asked —

"(a) Will the Government be pleased to state whether it proposes to levy a tax on bricks or brick-kilns for utilising the proceeds thereof in the maintenance of the district board roads ?

"(b) Will the Government be pleased to state as to what will be the rate at which the tax is proposed to be levied, and what is the estimated income that will be derived from the tax ?

"(c) Will the Government be pleased to state whether the proceeds of the tax for each district will be appropriated to each district for the benefit of its roads, or whether the total amount realized from the different districts will be subject to apportionment at the discretion of the Government ? "

The Hon'ble MR PIM replied —

" Proposals for action in the direction indicated by the honourable member have been received from the Benares district board and are now under the consideration of Government."

QUESTIONS AND ANSWERS.

[*Babu Moti Chand; Mr. Pim; Mr. de la Fosse; Rai Ganga Prasad Varma Bahadur; Mr. Burkitt.*]

The Hon'ble BABU MOTI CHAND asked —

- "(a) Will the Government be pleased to direct that brick-making operations when carried on in proximity to towns be confined to one side of the town only in such areas as may be demarcated by the district boards?
- (b) Will the Government be pleased to consider the advisability of directing the district boards to provide special roads for the passage of brick carts?"

The Hon'ble MR. PIM replied —

- "(a) The control of brick-kilns in the vicinity of large towns is a question with which municipal boards are more directly concerned than district boards. Suggestions are under consideration in connection with the proposed revision of the Municipal Act for increasing the powers of municipal boards with reference to the control of these operations and for extending the limits within which those powers may be exercised to a distance of half a mile from municipal limits. Pending consideration of these proposals the Local Government does not propose to undertake the modification of the District Boards Act in the direction proposed by the honourable member?
- (b) The provision of suitable roads is a matter for the consideration of district boards. The Local Government does not think it necessary to issue any special directions to them on this subject."

The Hon'ble BABU MOTI CHAND asked:—

- "(a) Will the Government be pleased to state in what ways Rs. 4,80,000 set aside for primary education of boys in 1912 was spent, and how much of it was left unspent?
- (b) Will the Government be pleased to state as to what extent Rs. 1,80,000 the balance of the Government of India's recurring grant of Rs. 7,00,000 for education, which was available in 1912 for opening further primary schools in districts and municipalities, has been spent and how many new schools have been opened?"

The Hon'ble MR. DE LA FOSSE replied:—

"It is presumed that the honourable member refers to the sum of Rs. 4,80,000 earmarked for primary education out of the Government of India's special grant of Rs. 7,00,000. Only Rs. 4,50,000 of this is available for expenditure during the current financial year. It is being expended as shown in paragraph 20, Appendix II of the Financial Statement."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked:—

- "(a) Is the Government aware that even sub-assistant surgeons in the Bombay Presidency have been exempted from the operation of the Arms Act?
- (b) Will the Government be pleased to exempt assistant and sub-assistant surgeons in these provinces from the operation of the said Act?"

The Hon'ble MR. BURKITT replied —

- "(a) The Government is informed that the officers mentioned are exempted from the operation of the Arms Act to a limited extent in the Bombay Presidency.
- (b) The matter will receive the careful consideration of the Government."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked:—

"Will the Government be pleased to state if it is a fact that Circle Inspectors of Schools are also managers of all the Government schools within their circles? If so, will the Government be further pleased to state whether in the event of any difference arising between a Government school and a private school, the decision

QUESTIONS AND ANSWERS

[*Mr. de la Fosse, Rai Ganga Prasad Varma Bahadur; Mr. Burn; Mr. Burkitt; Mr. Tweedy.*]

of the circle inspector on the subject is final or does it admit of an appeal to the Director of Public Instruction?"

The Hon'ble MR. DE LA FOSSE replied —

"The answer to the first part of the question is in the affirmative. Should the manager of a private school be dissatisfied with the decision of the Inspector it is open to him to appeal to the Director."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state how many officers held the office of the Inspector-General of Registration within the last two years and a half? What was the average duration of period in which change in the personnel of the office was thought necessary? Will the Government be pleased to consider the advisability of appointing to the office such men only as are likely to hold it for a fixed period of time?"

The Hon'ble MR. BURN replied —

"Since July, 1910, a period of two years and eight months, seven officers have held charge of the post of Inspector-General of Registration, but most of the changes have been due to the illness of permanent incumbents. Mr. Hoare was in charge till March 1911, when he took leave on medical certificate. At that time Mr. Hailey, who was chosen as permanent successor, was on furlough, and two temporary arrangements had to be made. In December 1911 Mr. Hailey was appointed to officiate as Director of Land Records in a vacancy which could not have been foreseen when he was selected for the post of Inspector-General of Registration. His successor, Mr. W. E. M. Campbell, also had to take leave on medical certificate in July, 1912, and as the services of the present permanent incumbent were not available till September, 1912, a temporary appointment had to be made. It is thus clear that the changes were made owing to urgent necessity and in each case a permanent successor was designated as soon as a suitable appointment could be made."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked. —

"Will the Government be pleased to consider the advisability of investing the District Registrars with the power of transferring Sub-Registrars within the jurisdiction of their districts?"

The Hon'ble MR. BURKITT replied:—

"The present rule has been found to work satisfactorily. The answer to the question is therefore in the negative."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked. —

"Will the Government be pleased to state what is the number of tahsils in the province which have no Naib Tahsildars? Is it a fact that when Tahsildars of such tahsils go on tour, the work of the treasury is carried on by Wasil Bakı Navis?"

The Hon'ble MR. TWEEDY replied —

"There are five tahsils in the province to which no Naib Tahsildar is attached, and during the unavoidable absence of the Tahsildar from his head quarters on tour the Wasil Bakı Navis as the senior official is the officer in charge of the tahsil including the treasury."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state whether it received a memorial from sub-overseers in 1910, praying for an increase in the number of sub-overseers who are recruited from upper subordinate officers? If so, what order has been passed on the memorial?"

QUESTIONS AND ANSWERS

[Mr. Wood; RAI GANGA PRASAD VARMA BAHADUR; Mr. Pim, Mr. Burrell]

The Hon'ble MR WOOD replied —

"The honourable member presumably refers to memorials received from sub-overseers in 1910* in which, among other things, they prayed that sub-overseers should invariably be chosen for promotion to the upper subordinate grade."

"Under the rules in force specially deserving lower subordinates are promoted to the upper subordinate establishment as far as this is practicable with due regard to the authorized annual recruitment from the Thomason Civil Engineering College at Roorkee, and the Local Government does not consider that any change in these rules is required. A reply to this effect is about to be communicated to the memorialists."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Is the Government aware that the people of Agra held a demonstration on the 2nd February last to protest against the proposed house tax and the re-appointment of Mr. Shule, the Secretary-Engineer? Has the Government received any representation from the chairman of that meeting? If so, will the Government be pleased to give a favourable consideration to that representation?"

The Hon'ble MR PIM replied —

"The Government are aware that the meeting referred to was held. The representation has been received and it is under consideration."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Is it a fact that the post of a distress warrant executor has been newly created by the Agra municipal board, especially with a view to execute distress warrants for arrears of water rate? Will the Government be pleased to inquire if those arrears are due to a deliberate intention on the part of the defaulters to withhold payment or if they are owing to poverty and consequent inability to meet the demands? Does any other municipality employ a special officer for the purpose?"

The Hon'ble MR PIM replied —

"It appears from the note accompanying the budget of the Agra municipal board that an inspector and peon were provided for the execution of distress warrants for recovery of arrears of water rate, but were to be dispensed with from the 1st April 1913. The employment of such a staff is within the discretion of the municipal board and the Government are not prepared to make the inquiry suggested by the honourable member."

"The Government are not aware whether any other municipality employs a special officer for this purpose."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state whether it is true that the lectureships of Materia Medica and Ophthalmology at the King George's Medical College will be abolished, and in their places, two professorships will be created? If so, will the posts be filled by officers belonging to the Indian Medical Service? In view of the fact that in the Calcutta Medical College as also in the Bombay Medical College there are two Indian Professors, will the Government be pleased to consider the desirability of appointing a suitably qualified Indian Medical gentleman to the chair of Materia Medica in the King George's Medical College?"

The Hon'ble MR BURKITT replied —

"The matter is being referred to the Government of India. Should it be decided to create professorships the claims of medical men other than members of the Indian Medical Service will be considered."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"In reply to a question put at the meeting of the Council held on 15th February, 1912, the Government was pleased to state that such assistant surgeons on the staff of the King George's Medical College as were likely to revert to the general line would have every opportunity afforded to them to keep up their

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[Col Manifold; Rai Ganga Prasad Varma Bahadur]

professional knowledge Will the Government be pleased to state what facilities have been given or are proposed to be given to such assistant surgeons in this direction ?”

The Hon'ble COL MANIFOLD replied —

“ The question of granting facilities to assistant surgeons on the staff of the King George's Medical College to maintain their professional knowledge has not been lost sight of, and arrangements will be made for granting such facilities as soon as the hospital attached to the college is open ”

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

“ Will the Government be pleased to lay on the table a statement showing the designations of those members of the staff of the King George's Medical College to whom it is proposed to allow general or consulting practice, and to state what the interpretation of the latter term is ?”

The Hon'ble COL MANIFOLD replied —

“ The statement asked for is laid on the table Consulting practice may be defined as the entering into consultation by one medical practitioner with another and their joint consideration of and deliberation on the condition of a patient and the means to be adopted for his treatment ”

(See Appendix X)

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

“ Will the Government be pleased to state what arrangements are being made for the management of the various wards and out-patient departments in King George's and Queen Mary's Hospital ? What will be the number of Indian Medical Service officers employed and what will be their respective duties ? How many assistant surgeons will be employed there and what will be their duties ?”

The Hon'ble COL MANIFOLD replied —

“ The arrangements for the general management of the various wards and out-patient departments of the King George's Medical College Hospital will be under the Principal and the Medical Officers to whose charge the various departments are assigned.

“ A statement giving the information asked for in the second part of the question is laid on the table It shows the number of officers of each class and their duties so far as arranged up to date ”

(See Appendix XI)

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

“ (a) Is it a fact that the Director of Public Instruction has issued an order to the effect that Headmasters holding charge of Government High School Boarding Houses are to vacate their quarters on the ground that it is derogatory to Headmasters to come in contact with boarders and menials, and that if they continue to do so they are to forfeit their allowances ?

“ (b) Is it not a fact that Headmasters would make better superintendents and would be able to exercise a more healthy influence than lower form masters ?

“ (c) Is it not a fact that the Naini Tal Conference, held a few years ago, recommended that Headmasters should be as near the school as possible ?

“ (d) In case it is considered preferable to place boarding houses in charge of lower class teachers instead of Headmasters and in view of the recommendation of the Naini Tal Conference, will the Government be pleased to supply quarters to the Headmasters of Government High Schools

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[Mr Burkitt, Lala Bishambhar Nath, Rai Bahadur : Mr Pim]

and until that time to allow them to continue as boarding house superintendents and draw the allowance or give them house rent as is done in Bagelly, Cawnpoie, Etawah and some other places to European and Eurasian Headmasters ? ”

The Hon'ble MR. BURKITT replied —

“(a) The answer to the question as framed is in the negative. Headmasters acting as Superintendents of hostels were not required to vacate their quarters. But inasmuch as their holding such posts is contrary to article 136 of the Educational Code hostel allowances have been withheld.

“(b) This may be true in individual cases, but the Government considers that the Headmaster's duties and responsibilities of general control are incompatible with his acting as boarding house superintendent.

“(c) The answer is in the affirmative.

“(d) The question of the grant of free quarters to Headmasters will be considered. It has already been pointed out that Headmasters have not been required to vacate their quarters as superintendents of hostels but the Government is not prepared to permit them to draw hostel allowances.”

The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR, asked —

“Will the Government be pleased to state if it has been decided to abolish the post of the Director of Industries, United Provinces, which fell vacant in October last, and to which no permanent incumbent has yet been appointed and also whether the department of Industries is going to be amalgamated with that of Agriculture?”

The Hon'ble MR. PIM replied —

“It is not proposed to abolish the post of Director of Industries or to amalgamate the department of Industries with that of Agriculture.”

The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR, asked :—

“Will the Government be pleased to state if there is any truth in the rumour that the Secretary of State has refused to sanction the grant which was asked for the equipment and building of the proposed Technological Institute at Cawnpoie?”

The Hon'ble MR. PIM replied —

“There is no truth in the rumour that the Secretary of State refused to sanction a grant for the equipment and building of the Technological Institute. The Secretary of State approved of the modified scheme for the Institute and a sum of Rs 3½ lakhs for the building and equipment of the Technological Institute was included in the non-recurring assignment of Rs 15,91,000, made to these provinces in the year 1911-12 by the Government of India.”

The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR, asked, —

“With reference to the statement in the Government resolution on the Municipal administration in 1911-12 that it is proposed to give local self-government a wider extension by a further increase in the number of boards with non-official chairmen, will the Government be pleased to state if it is prepared to sanction the election of a non-official chairman during the temporary absence, on leave, of the official chairman of the Allahabad municipal board?”

The Hon'ble MR. PIM replied —

“The honourable member is not understood to refer to the permanent vacancy occurring on Mr Mumford's resignation. In regard to temporary vacancies, the Local Government would prefer to come to a decision on the merits of each case as it arises.”

QUESTIONS AND ANSWERS

[*Lala Bishambhar Nath, Rai Bahadur, Mr. Burkitt, Mr F Mackinnon; Mr Pim*]

The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR, asked —

"(a) Will the Government be pleased to state as to how far the recommendations made by the jail committee of 1889 about the pay and prospects of the jailors have been carried into effect in these provinces?"

"(b) In view of the fact that strain and responsibility of jail work is heavy and continuous, will the Government be pleased to state when it is going to carry into effect fully the aforesaid recommendations?"

The Hon'ble MR BURKITT replied.—

"(a) The Government fully considered the grading and pay of Indian jailors in 1906, and a new scale of pay, which was much more liberal than that previously in force, was introduced from the 1st of April of that year

"(b) In view of the facts already stated, the Government does not intend to make any further alterations in the pay of these officials in the near future"

The Hon'ble MR F. MACKINNON asked.—

"Is it a fact that the district board of Gorakhpur, instead of being allowed to build a screw pile bridge over the Chota Gandak at mile 29 of the Gorakhpur-Kasna road at a cost of some Rs 41,377, have been directed to prepare a project for a rolled steel beam and jack arch bridge likely to cost some Rs 69,384? If so, would the Government be pleased to consider whether the less expensive bridge will not meet all local requirements and leave a surplus which might be advantageously expended on district board roads?"

The Hon'ble MR PIM replied.—

"The original design for the bridge over the Chota Gandak was for a screw pile bridge to cost Rs 41,377. The late Chief Engineer to Government did not approve of the screw pile bridge design and replaced it by a rolled steel beam jack arch bridge design the cost of which is now estimated at Rs 69,384. The present Chief Engineer agrees with Mr Goument that a screw pile bridge would not be a suitable one for this river owing to the danger of scour as was illustrated in the case of the screw pile bridge over the Kathna river in the Sitapuri district."

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The Hon'ble MR. PIM presented the revised financial statement of the United Provinces for 1913-14. He said —

"I have to present to the Council the revised financial statement of these provinces for the year 1913-14. A proof of the statement is already in the hands of members, and they have also, I hope, received the supplementary memorandum sent them on the 10th, explaining the final changes made by the Government of India in the second edition of the budget. The changes are only two in number. The increase of 2 lakhs on the expenditure side under education in the revised of this year is due to the fact that it has not been found possible to utilize within the year a lapse of that amount which had previously been anticipated in two grants, viz. the Rs 2,80,000 earmarked in the Government of India's lump grant made in 1911-12 for the Technological Institute at Cawnpore and the 1 lakh intended for Aligarh College. Instead of passing the money into our balances, it has been decided, with the approval of the Government of India, to spend it on the extension of accommodation in aided secondary schools, with the intention of recouping the Technological Institute and the Aligarh College from subsequent grants. The slow progress made with reference to the Technological Institute at Cawnpore may be considered disappointing, and I shall therefore give a brief explanation of the reason for the delay and of how the matter now stands. The scheme originally submitted for the sanction of the Secretary of State provided

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for four experts in the separate branches of sugar, leather, acid and alkali manufacture and dyeing and bleaching. It was not approved by the Secretary of State, who considered that it was too ambitious in view of the facilities afforded by the Bangalore Institute. A modified scheme was then submitted providing for one head chemist and four assistants. The scheme was sanctioned by the Secretary of State, but when proposals were submitted for the appointment of the chemist, the Board of Education, to whom the matter was referred by the India office, owing to their wide experience of similar questions, pointed out the difficulties in the way of a satisfactory working of the modified scheme in the present days of intense specialization. As, moreover, one of the most important subjects intended for the institute—that of the chemistry of sugar—has meantime been taken over by the Agricultural Department, the considerations put forward by the Board of Education have made it necessary to re-examine the whole subject. It is not possible to commit ourselves to heavy expenditure on an important scheme of this character until we can be sure, after thorough examination of all the possible lines of work, that the lines on which the institute will start work are sound. Such an examination involves much time and labour, but it must be undertaken in order to avoid an initial mistake, the results of which might be disastrous.

“The increase of 1,50 in next year's income from excise is, as explained in the memorandum, based on results of the recent excise settlements.

“For the benefit of those members who are new to the Council and who may possibly feel dismayed at what I must confess to be the rather forbidding appearance of a financial statement, I may give a brief sketch of the procedure which is followed in framing the budget and of the work which now lies before the Council in this meeting. There are, as I have found to my cost, many technical pitfalls for the unwary in the way of framing the budget, but the main distinction which it is necessary to bear in mind is that between the expenditure which is absolutely necessary for the upkeep of existing services or for the carrying out of integral parts of schemes already in hand and, on the other hand, the more or less optional new expenditure of all kinds. The latter class of expenditure is included in the so-called schedules which are sent in by heads of departments in September and are considered by the Finance Committee early in October. At that stage of the proceedings the estimates of income are necessarily vague and all that the Finance Committee can do is to review the various projects, to give them their blessing or the reverse, and if the total requirements exceed the money likely to be available, to place the various projects in order of urgency. At the end of November, when the accounts are received of the first part of the current year, it becomes possible to frame more accurate estimates both of the income and of the expenditure of the current year. On this basis and after consideration of the suggestions of the Finance Committee the Local Government makes out its preliminary proposals for the first edition of the budget and submits them to the Government of India at the end of December. We are required to show that the total expenditure budgeted for is within our means, and that we are not committing ourselves to recurring expenditure in excess of normal recurring income. In submitting these proposals all new expenditure taken from the schedules is lumped together under the head of unallotted expenditure, and members will observe an item of 30,88 of this kind in the first edition of the budget now before them. On these proposals the Government of India fixes the total expenditure which they think we can afford. By their decision the total figure permissible for “schedule” expenditure is defined, and it is the distribution of this total which is the task set before the Finance Committee at their second meeting in January. The task was this year an easy one as it was possible to include

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nearly all the items which had been put forward, but in a bad year difficult questions of conflicting claims would arise. The next stage after the meeting of the Finance Committee is the incorporation of all the various items of new expenditure in the budget under then respective heads. Such alterations as may be necessitated by later information are then made, and the second edition of the budget is submitted for the sanction of the Government of India early in February. It is this edition which is explained in the revised financial statement and which we have now to consider

"The procedure at this meeting is described in rules 11 to 13 of the rules for the discussion of the financial statement. Heads of departments will give such further information as may appear to them to be necessary, and the object of this meeting is to give the Council an opportunity of revising as far as it thinks necessary the proposals of the Finance Committee as embodied in the second edition of the budget in order to secure the fairest possible distribution of the total expenditure allowed to us by the Government of India. After this meeting the budget is again referred to the Government of India and is finally fixed by them, and it again comes before this Council in April. It is then too late to make any changes or to move resolutions, but members have an opportunity of general criticism and of indicating the lines on which they consider that the next advances should be made. The object of the April meeting is therefore distinct from that of the present meeting, which has the plain and practical object of making the best use we can of the increased resources at our disposal

"Appendix I to the revised financial statement shows the changes in expenditure under all the major heads, but in that statement the increase of expenditure falling on provincial revenues is masked by the inclusion of the special grants received from the Government of India. Excluding these special grants I find that apart from pensions and interest charges the principal increases falling on provincial revenues are 6,98 under Land Revenue, 3,00 under Forests, 1,71 under Law and Justice—Courts of Law, 91 under Police (all non-recurring), 1,69 under Education, 2,27 under Medical (including part of the assignment from the Government of India for the Medical College) and 85 under Scientific and other minor departments. All the recommendations of the Finance Committee have been accepted, and it has been possible to provide for the long hoped for improvements in the pay of ministerial officers, for an extended scheme of forest working and of afforestation, for carrying into effect much the greater part of the Greeven scheme for the revision of judicial establishments, for an advance in the treatment of juvenile offenders and for a great philanthropic experiment in connection with the criminal tribes which will be found in a possibly rather unexpected place in the police budget. We have also been able to provide for an increase in the agricultural staff, for the upkeep of new farms both for seed, cotton and sugarcane and for a new cattle farm in Muttra.

"Many of these schemes have been much in the minds of the members, and it could not have been anticipated even two years ago that provincial revenues would have sufficed to meet them within such a short period, in addition to what we have been able to do through the liberal assistance given by the Government of India

"I turn next to the question of the splendid largesse lately announced by the Finance Member of the Viceroy's Council. A list of the grants is given in the revised financial statement, and I need not repeat them here. I may however say that all the grants, both recurring and non-recurring, represent what appears to be our fair share of the total allotments made by the Government of India on the principles which have been hitherto accepted in the allocation of such grants and

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which have been lately explained by Sir Haicourt Butler in another place. As regards the expenditure members will note that the Government of India have provided for the expenditure of approximately one-third of each of the non-recurring grants during the year 1913-14. The grants for education are, it is understood, being distributed over the various heads by the Government of India and their orders on the subject are awaited. Our discretion may be to some extent limited in the same way in the distribution of the grant for sanitation, and it can only be said generally at present that there are two main classes of claims between which the grants will have to be divided. There are, in the first place, the ordinary schemes for the drainage and water-supply of towns and for rural sanitary requirements to meet which the resources at the disposal of the Sanitary Board will have to be increased. There are, in the second place, the large schemes for town-planning and for the improvement of congested areas for which up to the present very scanty funds have been available. That the claimants for assistance will be many is already clear. Lucknow is, as usual, to the fore with extensive schemes for drainage and other sanitary improvements, Cawnpore has drainage and town-planning schemes; the Allahabad drainage scheme needs further assistance, and the municipal board have prudently sheltered themselves behind the statement that they will be unable to add anything from their own resources for ten years to come. Agra needs assistance, both for drainage and for water-supply, as also do Muttra, Saharanpur, Hardwar and Farrukhabad. Fyzabad, Bahiaah, Meerut and Aligarh all have drainage schemes in a similar position, Gorakhpur and Moradabad are contemplating action in the same direction. It is therefore clear that before any claims of the "city beautiful" can be considered there are many strictly utilitarian requirements which will have to be satisfied. In the case of large schemes it is essential that before any grants can be sanctioned the plans should be worked out with anxious care so as to make sure that the schemes can be developed in solvency and that undue hardship will not be involved to the large numbers of people who may be directly affected by them. Our present sanitary staff is not strong enough to cope with the programme which the recent grants have rendered possible, and it is probable that it will have to be strengthened as the undertaking of large works with an inadequate staff must involve confusion and waste. As members are aware, a Commission appointed by the Government of India is now visiting pilgrim centres all over India, and we may hope that their recommendations may be given substantial backing. But as to this we have no information at present.

"The non-recurring grant of 12 lakhs in aid of general provincial resources has at last made it possible to take up two related questions which have long been under the consideration of Government and which have more than once been raised in Council—I mean the question of giving general assistance to municipalities in the development of their most important services, and the more urgent question of giving special assistance to those municipalities which are now engaged in the abolition of octroi. The principles on which subventions from general revenue should be made to local funds have been the subject of much controversy, and very different conclusions have been arrived at in different countries and by equally great authorities. In England of recent years one great authority has propounded an ingenious scheme of general grants-in-aid by which with the aid of a suitable staff of inspectors he hopes to regenerate the local services at a cost of I forget how many millions a year. An equally great authority stigmatizes the suggestion of the first as those of a typical non-official bureaucrat (a type which is not altogether absent in India). For him a sturdy financial independence is the only end to be worked for. Grants-in-aid will lead to extravagance and to general deterioration. The desire for

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financial independence has not been particularly marked in connection with our municipalities of recent years, but what is quite clear is that we must cut our coat according to the available cloth, and confine recurring assistance given to municipalities to reasonable limits. The bulk of our available resources must be reserved as in the past for the purpose of giving assistance to special schemes which are beyond the unaided powers of municipal boards. It is not possible with our present resources to look up any large sums out of provincial funds or out of the grants received from the Government of India in contributions for the maintenance of ordinary municipal services. These must continue to be maintained from local resources. It is however most desirable that some assistance should be given towards the attainment of the higher standards of education and of sanitation which are being pressed on municipalities. As members will have seen, it is proposed to distribute to municipalities a lump sum of Rs 80,000 out of the recurring grant for education of 7 lakhs, and it may be hoped that some further assistance will be given them from the new grants lately sanctioned by the Government of India.

"As regards sanitation the Government of India have indicated a direction in which assistance can most desirably be given by the recurring assignment which they have just sanctioned to meet half the pay of the new service of health officers, and in pursuance of the same policy it has been decided that the best way of giving further recurring assistance to municipal boards will be to take on provincial revenues half the cost of the new service of sanitary inspectors. In the case of the present incumbents, who are sent for the first period of training at Lucknow, provincial revenues will meet their pay during that period, while in the case of sanitary inspectors who have passed the first period of training some assistance equivalent to about half their pay will be given towards their second period of training. The final burden on provincial finances will amount to about Rs 50,000 per annum. But this sum will not be worked up to for about five years, and the charge will, it is hoped, be approved as a legitimate debit to the grant-in-aid of sanitation received from the Government of India.

"There remains the question of giving temporary assistance for the purpose of enabling municipal boards now engaged in the abolition of octroi to tide over the few years which will be required to bring the new system of taxation into working order and to again equate normal income and expenditure. Much self-sacrificing public work has been done by the members of such boards. They have been exposed to much odium and obloquy from the mass of the people, to whom the increase in direct taxation is a very real and present evil, while the benefits which will ultimately flow from the abolition of octroi seem to be of a most vague and shadowy character.

"While, on the one hand, they are thus oppressed by unpopularity and by the difficulties of assessing and collecting direct taxation, on the other hand they are urged to the attainment of a higher standard of sanitation and to the employment of a trained sanitary staff. The latter difficulty will be relieved by the grants which I have indicated above. But a recurring grant is not admissible for the relief of their immediate difficulties arising from the abolition of octroi. For that a financial stimulus seems essential, but it is equally essential that that stimulus should be of a strictly temporary character for the purpose of providing against all the uncertain elements in the estimates of the first three years of the new system of taxation.

"His Honour has therefore decided that in the case of the thirty-seven towns in which octroi will be wholly replaced by direct taxation a lump grant equivalent to 30 per cent. of the average net octroi receipts of the last three years should as soon

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as the change in the system of taxation takes effect be given as a reserve to fall back on from the grant of 12 lakhs sanctioned by the Government of India. These grants will be strictly earmarked for non-recurring expenditure until such time as equilibrium is again reached between the normal revenue and the expenditure of the board, and they should suffice to prevent the possible interruption of non-recurring expenditure. By the end of three years boards should be able to re-establish equilibrium. The total cost of these proposals will, it is estimated, amount to Rs 1,70,000 for these thirty-seven towns. In the case of the remaining towns, including all the large cities, octroi will be partly replaced by direct taxation and partly by indirect taxation of which terminal taxes are the most important. In the case of these towns the transition is less abrupt and the need for special assistance much less urgent. With reference to them therefore, no decision has yet been come to as to what, if any, assistance would be given. The transition stage will in any case be a long one as the new system can only be gradually introduced.

"As regards the provision for expenditure against the 12-lakh grant in next year, members will observe that a lump grant of 4 lakhs has been entered under head 46, Civil Works. This does not imply any intention of restricting the purposes for which the grant may be used. It is only entered in this way as a matter of convenience in accordance with the usual practice for classifying grants to local bodies. The money will of course be available for transfer to the proper heads of expenditure.

"I have left the richest gift of the Government of India to the last—the recurring assignment of 29,53½ for the relief of local rates from the charges on account of village police. As members have been informed, the actual introduction of the measure is postponed pending the receipt of the detailed orders of the Secretary of State, but will, it may be hoped, not be long delayed. Under the present system in the province of Agra about half of the receipts from the local rates of 5 per cent are applied to the purpose of paying village police, while in Oudh a separate police rate of 3 per cent is levied for the same purpose in addition to the general cess of 2½ per cent. As soon as the necessary legislation can be passed, the separate police rate will be abolished and will be replaced by the doubling of the present general cess in Oudh, while both in Agra and in Oudh the whole receipts from the rates will in future be made over to district boards for local purposes. The actual increase in their income will not be 29½ lakhs because it is not intended that provincial revenues should lose by the change, while the receipts from the new 2½ per cent. rate in Oudh will be less than the receipts from the existing police rate of 3 per cent. The actual figures will take some time to work out as the existing contracts with district boards will probably have to be revised and new estimates framed of their liabilities, present and prospective, but in any case the addition to their resources will be very substantial and very grateful. How urgent their requirements are is known to all members, and within the last year not a few boards have written up to show that, quite apart from the many directions in which an extension of their activities is most desirable, they will be unable to even maintain their existing services unless some addition was made to their resources. The answers which they have received do not seem to have been altogether satisfactory to them, and the situation was gradually becoming a most difficult one since, on the one hand, it was impossible to close schools wholesale or to give up the maintenance of roads, on the other hand provincial resources could not afford the large increases which would be required to put matters on a proper basis.

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"Great difficulties have been removed by this most generous concession for which we have worked hard and waited long. The controversy on the subject goes back very far and of recent years we have repeatedly made representations that quite apart from the terms of the provincial contract the diversion of local rates to meet police charges was an anomaly which should be removed and in this contention we received the strong support of the Decentralisation Commission. The concession has come at last and it has come at a time when the rapidly growing interest in the wide fields of education and of sanitation will enable the best use to be made of it. It is a splendid gift, the richest fruit in the goodly basket, of which the Finance Member has spoken, from the garden of the Government of India."

The Hon'ble MR. D. C. BAILLIE said.—

"There are three departments under my charge regarding which I wish to make a few remarks to the Council. The most important of these is land revenue. It is fortunate that the character of the seasons of late has been such that the variations in land revenue collections have varied very little from the demands. Only one alteration in the demand of an abnormal character has taken place during the past year—the reduction of the revenue paid in the Muttra district by the sum of Rs 57,000. It was recognized that certain villages in Muttra scattered throughout the district were seriously deteriorating, and an exhaustive inquiry has recently been made by Mr. Dampier, the Collector, with the result just stated. This reduction will, it is hoped, have a great effect in allowing the land-holders of Muttra to recover the position they have fallen away from during this period of settlement. At the beginning of the year the early ending of the rain led to the anticipation of considerable difficulty in the collection of revenue in the eastern districts, where the rice crop was largely a failure, but a good fall of rain in November had the effect of easing the circumstances to a very great extent, and we have therefore so far only had to suspend the revenue to the extent of Rs 89,000 in the Allahabad and Muzapur districts. There is also a somewhat larger amount of postponed revenue (the exact amount has not been ascertained) which will be included in the arrears outstanding at the end of the current year. For the current year our prospects appear to be in every way favourable. The budget allows for a sum of 4 lakhs for unforeseen losses in the incoming *rabi* and *kharif*. The *rabi* prospects are, I think, fairly assured. There has been hail in isolated tracts, but the effect on the collection as a whole will be small, whilst the late rain has done an enormous amount of good to the crop in general. We are anticipating that for the *rabi* the collection will be excellent.

"The second subject on which I wish to make a few remarks is *tagavi*. Only the interest charged against the Government and realized from persons who take *tagavi* loans is shown in the accounts, but the total figures are the advances given as *tagavi*. It may now be regarded as normal to advance 25 to 30 lakhs annually. A sum of about 20 lakhs of that is given under Act XII for seeds, bullocks and machinery—the latter a new item in the accounts, but one which we may hope will be productive of benefit to the country. A large advance has been given during the last year for constructing a sugar factory in Gorakhpur. It appears certain that this country will be able to resist the competition of other countries in regard to the production of sugar only by using as largely as possible the best machinery, and for this reason the considerable advance referred to has been given by Government in a district in which sugar cultivation is very general. The annual advances for land improvement may be considered to be normally about 8 lakhs. Almost every penny of this advance may be considered to be beneficial to the country, and my only regret is that the amount we can advance is not larger. It would, I have not the slightest doubt, be larger were it not that in certain districts there is an unreasoning opposition on the part of the zamindars to improvement by tenants. This

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seems to me a very short-sighted policy in the extreme, and detrimental to their own interests. Were it withdrawn I have every reason to believe that very much larger sums would be devoted to the permanent improvement of the agricultural conditions in these provinces.

"A few words about settlement. This has become an increasing charge and will for some time still increase. Last year Rs 82,000 covered the settlement expenditure. This year 2 lakhs and 70 thousand will be required and next year 3 lakhs and 21 thousand. The cycle of settlement is now commencing. It may be regarded as certain that not less than 5 lakhs will be annually required for some years to come. Work has been going on throughout the year in Fatehpur and Etawah and has been started in Allahabad. The revision already referred to of the Muttra land revenue has also been charged against that settlement and there has been a revision of records in other parganas also. Settlement work has progressed as anticipated. Settlement officers have worked up to their programmes and Fatehpur and Etawah may be anticipated to complete their work next year. Gorakhpur and Basti come in soon after and part of Pilibhit, in all likelihood, next year."

The Hon'ble MR TWEEDY said —

"I will say a few words on the departments with which I am concerned. They are income-tax, stamps, excise and revenue buildings. With regard to income-tax, the estimate for the year on which we are about to enter is slightly more than that of the current year, viz Rs 20,14,359 as against Rs 19,24,497. With regard to stamps the figure passed by the Government of India for 1913-14 is 1 crore 17 lakhs as against 1 crore and 12 lakhs, that is an increase of 5½ lakhs. There has been a rising tendency in the revenue for some years past, the principal cause of which is undoubtedly general prosperity and busy trade. Litigation does not seem to diminish, and many extra courts are sitting, and the increase estimated seems fully justified. With regard to excise the estimates from the provincial share of excise is 1 crore and 25 lakhs as against the revised estimate for the current year 1 crore and 23 lakhs. The increase under the head of country spirits is chiefly due to general prosperity and the good agricultural outlook, while it may be that the kalwars are getting accustomed to the new system and appreciate its merits. There are one or two matters of detail to which I think the attention of the honourable members should be called. The first is the decrease under foreign liquor. The consumption of foreign liquor has been effectively decreased by high licence fees and enhancement of duty. There is an increase under country liquor due to the following causes. The first is that the rate of duty has been increased in certain large towns where consumption has been high. The second is that consumption has increased owing to general prosperity and higher wages drawn by the consuming classes, and lastly, we may say it is partly due to the decreased illicit sale of liquor and to improved excise administration. In hemp drugs the increase is due to the general prosperity and to the breaking up of monopolies. On charas, which is the most important and most noxious of the hemp drugs, the duty has been raised to Rs. 12 per seer and the revenue has been increased and consumption checked. On the expenditure side of the excise the institution of the excise intelligence bureau has helped to check the smuggling of opium. Government is particularly desirous of improving the water-supply in distilleries in order to obtain a purer supply of liquor, and funds for this purpose have been provided in the ensuing year's budget in Allahabad and Fyzabad. With reference to revenue buildings, I am grateful for what I have received from the Government; but the present state of affairs renders it necessary for me to ask for considerably greater assistance in the future. As regards head quarters' kacheries the accommodation is decidedly defective in many of them. The staff has been increased and excise officers and deputy collectors will be found holding their courts in verandahs and retiring rooms. Retiring rooms for

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[Mr Burn]

deputy collectors have been provided under the orders of Government where funds were available but there are yet many districts where they are needed. The accommodation in many tahsils is defective, and if funds were available I should like to build several new tahsil. The same may be said about the residential quarters for tahsildars and naib tahsildars, and if money were available I should very much like to build more quarters for the amla. At present these quarters are only available in jungly places, but I think they ought to be built wherever the tahsil is situated in some small village where the amla can obtain no decent accommodation. At present I know many tahsils where the amla live in mud houses."

The Hon'ble Mr BURN said —

"The clearness and fullness of the financial statement, on which, as his immediate predecessor, I may perhaps be allowed to congratulate the Hon'ble Mr. Pim, has left me very little to say about the few heads committed to my charge

"On the expenditure side there is one subject about which the financial statement is perhaps silent. This is the provision for expenditure on famine relief. At one time, towards the end of the monsoon, it was feared that insufficiency of rain might have caused severe damage, and, as soon as circumstances would permit, a conference was held at Allahabad, when prospects were discussed with the Commissioners of the Allahabad and Benares divisions. Happily it has turned out that no serious harm has occurred. Distress, at the present time, is confined to the district of Mirzapur and the Benares State. Last November, as the Hon'ble Mr. Baillie has told the Council, rain was received in sufficient time to enable an adequate *rabi* area to be sown. But in portions of Mirzapur and Benares these showers were insufficient in the absence of previous rain. It is, however, satisfactory that in this tract the preceding seasons have been good since the last period of distress in 1907-8, and it so happens that a considerable number of projects for large works are ready in the Mirzapur district. Two of these are canals, designed to mitigate the effects of such a season as we experienced last year. At the beginning of the cold weather, the officers of the Irrigation Department experienced actual difficulty in obtaining the labour they wanted for these canals. Test works have been opened for some weeks, but up to the present they have been resorted to only by those workers who reside in the immediate neighbourhood of the works—a sure test that famine conditions have not yet arrived. According to the latest figures, there were on March the 8th only 1,883 persons on test works in the Mirzapur district and 11,815 were finding employment on the ordinary canal works and a dam forming a reservoir to supply the city of Mirzapur with water. It is, however, practically certain that, before the next rains enable another harvest to be reaped, something more will be required. All arrangements are now complete, and when the time comes ample relief will be afforded. The cost is not expected to be more than Rs. 70,000 or Rs. 80,000 in the current year and 1½ to 2 lakhs in the budget year. In the Benares State the Maharaja, with the liberal charity which has always characterized his administration, has organized a scheme of relief. There were, on March the 8th, 1,639 persons on relief works in the State and 2,400 were in receipt of gratuitous relief.

"The main head of income and expenditure which falls within my charge is that of forests. So far as revenue is concerned, I have nothing to add to what has been said in the statement before you. A greater increase in revenue is expected. This is largely due to the improvements in the methods of working. For some years in the Kheri district a system of giving contracts has been in force which has proved satisfactory to the contractors and profitable to the State. When the right to

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extract produce is being auctioned a minimum quantity is announced which the officers of the department expect can be extracted. If, when the working season is complete, the contractor has not been able to obtain the amount mentioned, liberal refunds are granted. This obviates much of the difficulty attending the contract system—a system which at times degenerates into a gamble.

"On the expenditure side, the new items under the head of forests for the most part fall into three main heads. The system which I have just referred to entails very close supervision. In these provinces the income raised per square mile of forest compares very favourably with that of any part of India. But close working entails close supervision, and as the work develops the superior staff requires strengthening. You will find in the budget an item of Rs 18,200, which may in fact be slightly exceeded, on account of the pay and allowances of 5 new extra assistant conservators. The next important class of expenditure is connected with the development of the Kumaun district forests. Hitherto these have been managed by district officers, but the system has not been satisfactory. Over a considerable area timber is being produced. A large quantity is coming to maturity, but is being wasted because there are no facilities for extracting and disposing of it. A forest settlement is now in progress. The settlement is not complete, but, even from the partial survey which has been made of the resources of these forests, it is clear that much produce can safely be extracted. A deputy conservator has been appointed to take charge of the operations throughout Kumaun, as the stage of development is not sufficient to justify the formation of a separate circle. Provision is made for the staff required to supervise adequately the working of the forests. The total recurring expenditure on this account is very nearly Rs 44,000 annually. The extraction of timber from a tract like that of the higher hills presents much difficulty. It is, however, expected that a great deal can be floated down mountain torrents which eventually meet in the Sarda, and a proposal has been made to throw a boom across that river on which the logs or timber would be stranded. This boom is estimated to cost Rs 8,000, and the establishment in connection with it will cost Rs 1,800. Provision is made for only a portion of this amount as negotiations with the Nepalese Darbar are not yet complete.

"The third class of expenditure relates to the turpentine industry at Bhawal. This is a comparatively new development of great importance. Till within the last few years India relied for her supplies of turpentine and rosin mainly on America and France. It has now been shown that a good marketable turpentine and rosin can be made from Chir, and there is every hope that the industry will prove of great economical importance. Valuable investigations by Babu Puran Singh, the forest chemist, have recently been published, and improvements have been suggested in the method of manufacture. The budget provides for spending Rs. 25,000 on the improved plant. A sum of Rs 20,000 is also provided to pre-pay freight on consignments of turpentine under the rules of the Railway Company. Honourable members will remember a resolution which issued last year regarding the possibility of afforesting areas at present devoid of tree growth. An officer has now been placed on special duty to inquire into that question, and a large area of land is being taken up close to the Jumna river in Bundelkhand. In the current year Rs. 70,000 was spent in taking up land for that purpose. A further provision of Rs. 80,000 has been made in the budget year, and provision is made for the cost of the officer on special duty.

"There is one item for which a large sum has been provided, and details of which have not yet been worked out. That is the scheme drawn up by a committee presided over by Mr. Pike for improving the position of the establishment in district

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[Dr Tej Bahadur Saprū]

offices and in other places. The position at present is that the whole of the scheme has been exhaustively considered by the Board of Revenue, and their reply is now before the Lieutenant-Governor. But Government is not yet in a position to make any statement about details. A substantial sum of 6½ lakhs, I think, has been provided in the budget. It is hoped that something can be allowed for the pay of apprentices, for hill allowances in the districts of the Kumaun division, for the improvement of the pay in district offices and tahsils and for the provision of the extra posts which are needed to cope with the ever growing volume of work.

"I have no wish to anticipate what will be said shortly by an honourable member who is going to move a resolution regarding the formation of a library for the Council. But before that resolution was received His Honour had passed orders which to some extent meet what is needed, and I had made a note of the subject. An opportunity has arisen in connection with the construction of a new court for the Commissioner of Lucknow, and it had already been decided, before notice was given, that an extra room should be allotted to the court building in which the nucleus of a Council library could be placed, and which would be available for members of Council when visiting Lucknow. The exact arrangements to be made in connection with a library will be discussed informally with honourable members, and I shall be very glad to receive suggestions from them. Copies of the annual reports of this Government and some from other Governments will be placed in this room, and the provision of books of reference will be considered."

The Hon'ble DR TEJ BAHADUR SAPRŪ moved "that this Council recommends to His Honour the Lieutenant-Governor to allot Rs 14,000 for the provision of a library for the Legislative Council and that this sum be found by the reduction of the allotment to civil works by that amount." He said,—

"I must say that I have been very much satisfied with the announcement which has just been made by the Hon'ble Mr Burn on this subject. I am sure the honourable members of this Council are not inclined to subscribe to what the poet has said — 'Where ignorance is bliss 'tis folly to be wise'. A library will be a useful means of acquiring accurate knowledge on administrative questions and certainly nobody will be prepared to dispute it. I take it that the Government itself realizes the importance of this question. It will in course of time lead up to further demands and probably in course of time we may have a good library as an adjunct to a good Council Chamber. However, that is not the question before the Council. The sum of Rs 14,000, which I have demanded in my resolution, is a modest sum and I hardly think that this will be quite sufficient, but it is sufficient to begin with. I understand the Hon'ble Mr Burn to say that this library will be located at Lucknow. I do not desire to raise any discordant note in this Council, more particularly because I have some regard for our leader, the Hon'ble Babu Ganga Prasad Varma. So far as the question of the location of the library is concerned, I may say that out of local motives I should have preferred the library to be at Allahabad, where it would have been much more useful, still I would not object to its being located at Lucknow. I would go further and say that it would be as well to have some sort of a library also at Allahabad. I understand that there is a library attached to the Secretariat here and that the officers in charge of the library are always good enough to allow members to make use of such books as they may require from time to time. I also know that there is a public library at Allahabad. But there is nothing like the feeling of having a thing of your own, therefore, if there is a library at Allahabad placed in charge of the Secretary to the Council it will be a distinct advantage. I will say no more about the first part of my resolution.

"As regards the money which has to be found for this library, I shall point to a certain part of the budget from which I should like the money to be taken for this

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purpose during the current year and that is the allotment for civil works. I find that under that head there are certain items which strike one as being somewhat on a very liberal scale. For instance, it strikes one as being somewhat extravagant that a sum of Rs. 19,000 should be required for re-roofing the house of a Deputy Commissioner. I do not know what distinction you make between the Commissioner of Jhansi and the Commissioner of Meerut. But it strikes one that while the former gets a smaller sum the latter gets a larger one. It may be due to local circumstances and I am not prepared to discuss that point. Again, one feels surprised that a sum of Rs. 20,000 should be provided for the house of a head master belonging to the Indian Educational Service who is being appointed to the high school at Allahabad. Similarly, Rs. 25,000 for the residence of the Superintending Engineer at Allahabad. I should expect the Superintending Engineer at Allahabad might find it possible to build a house for himself more economically. I cannot say exactly how we ought to curtail the expenses, but surely the sum which I am asking for the library is a very insignificant one and by small economies, I think, it would be possible to have a sum of Rs. 14,000 and start a library."

The Hon'ble PANDIT MOTI LAL NEHRU said —

"I have much pleasure in seconding the resolution moved by the Hon'ble Dr. Sapru. The want of a library for the use of honourable members is as keenly felt in Allahabad as in Lucknow. The Government has announced its intention to establish a library at Lucknow for the present. I thankfully accept it as a move in the right direction, but do not waive the stronger claims of Allahabad. A beginning has to be made somewhere, and I do not grudge Lucknow the place of honour it has been given. Allahabad will, I hope, soon follow suit. As regards the cost I agree with the honourable mover that civil works is an elastic head. I would not, however, deprive a Deputy Commissioner of the shelter of a substantial roof over his head or a Divisional Commissioner of the comforts of an up-to-date residence. There are works not yet commenced and these might wait for another year."

The Hon'ble LALA SUKHBIR SINGH said :—

"I strongly support the resolution, because I think a library will be a very useful thing for the members of this Council. At present they can borrow books from the Government library, but it is very difficult to get them in time and keep them as long as they are required. Therefore I think that a sum of Rs. 14,000 can easily be transferred from any head. I am glad the Government is going to start a library at Lucknow. A similar one should be started at Allahabad because it will be very useful for members."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said —

"I have much pleasure in supporting the resolution moved by the Hon'ble Dr. Tej Bahadur Sapru and much more pleasure in welcoming the statement made by the Chief Secretary. I, however, beg to suggest that instead of providing a room in the Commissioner's office, for the present it will be convenient both to the members of the Council and from a financial point of view that these books might be placed in the public library at Lucknow—the Lal Bara Dar, which has been placed at the disposal of the Lucknow Public Library, and where through the generosity of the Government we are going to have a large stock of books. As for the addition of the room, I think the time has come when the United Provinces should have their own Council Chamber, and whether that Council Chamber is built at Allahabad or Lucknow—though the latter would be a more convenient place—is not very important. The question of constructing a room for the library might be kept in abeyance. I think we cannot long defer the question of the construction of a Council Chamber in these provinces. I saw in the papers that the Government of

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Madras have built a very nice Council Chamber which can accommodate both the visitors and the members. The Bengal Government has got its own Council Chamber. And I think it time that the United Provinces should have its own Council Chamber at Lucknow, and if there is an abundance of money they may have one at Allahabad."

The Hon'ble MR BURN said —

"I was not quite certain what the intention of the honourable mover was to be—whether he intended to have one library at Allahabad (in which case I knew that the Hon'ble Babu Ganga Prasad Varma would take up the cudgels for Lucknow), or whether he wished for a library in both places. It may also be necessary, I suppose, in time to provide a library in Naini Tal, as members occasionally visit that place.

"The position of Government is that Your Honour wished the facilities which had been asked for to be afforded, and an opportunity of making an experiment arose, as I have explained. For the present that will be proceeded with. It will be necessary to see what provision is required and how far the facilities thus afforded are used. If it then turns out that a real need is being met, Government will be prepared to consider its extension and the formation of a library at Allahabad also."

The Hon'ble DR TEJ BAHADUR SAPRU said —

"When I sent up this resolution I had not the figure of my friend the Hon'ble Babu Ganga Prasad Varma before me. If I had thought of that, I should have put my resolution in a more definite shape and asked for a library to be built at Allahabad. But rather than have none, I would prefer having one at Lucknow in the hope that I may be allowed to make a similar proposal next year with regard to Allahabad. Well, I want a library, and for the time being it is entirely immaterial to me whether it is located at Lucknow or Allahabad. My friend the Hon'ble Babu Ganga Prasad went into details and suggested that it would be proper to locate this library in a certain public library in Lucknow. Now I am not prepared to accept that suggestion at all. I think the position taken by the Hon'ble Mr Burn is right, and I would rather agree with him that this library should be located at Lucknow in a separate room in the Commissioner's office, which is going to be built, rather than that it should be part and parcel of a bigger library. I want it to be reserved wholly and solely for members of the Legislative Council. I am satisfied, Sir, at the reception this resolution has met with at the hands of the Council and I must express also my satisfaction that the Hon'ble Mr Burn had anticipated this very matter, though in a different way, before I sent up my resolution."

HIS HONOUR THE PRESIDENT said —

"Gentlemen, the resolution before the Council touches on a subject on which apparently we are all at one, save at the last moment for a little patriotic difference of opinion between the two provinces. Waiving that difference, however, I think there ought to be no difficulty in meeting what I take to be the unanimous wish of honourable members.

"Immediately after my arrival in the province, one of the first points in connection with the comfort and efficiency of the Council which struck me was the necessity for some provision in the nature of a common room, or reading room or study and library combined, for the convenience of members of this Council. It is quite true that the initial difficulty at once presented itself as to whether that provision should be made in Allahabad or in Lucknow or in both. As the Hon'ble Mr Burn has explained to the Council, we attempted to meet the difficulty of location by a provisional entry on behalf of Lucknow where the necessity seemed to be greater, inasmuch as in Allahabad we have the Secretariat library as well as the Thornhill Library, and we shall shortly have the University Library. As regards the

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provision of funds, I doubt whether it is necessary to follow the suggestions of the honourable mover and shorten the roof of the Allahabad head master's house or reduce the cubic space provided for the Commissioner of Jhansi. I think the honourable gentlemen may rest assured that before provision was made in the budget for these officers, every possible consideration of economy had been duly weighed by the responsible department.

"I welcome, however, the discussion which has taken place, because it has given exactly that ventilation to the subject that I had hoped for. The Hon'ble Babu Ganga Prasad Varma has struck a very appropriate note in making a definite suggestion regarding the library at Lucknow. The provision of a handsome Council Chamber with all the necessary appanages is possibly not on the near horizon, and in the interval it is essential that we should have this small provision for our comfort pushed on as rapidly as possible. If the room in the Commissioner's new court is not acceptable to members, I am perfectly prepared to go somewhere else. If a room in the Secretariat at Allahabad is not convenient, I am also prepared to go somewhere else. But the funds which have been allotted will in any case be employed for providing the nucleus of an institute which we desire to see established."

The honourable mover then stated that in view of the statements made on the part of the Government he did not desire that his resolution should be put to the vote, and the resolution was accordingly withdrawn.

The Hon'ble MR BURKITT said —

"Of the many subjects in my charge it is not necessary for me to take up the time of the Council with observations on more than two.

"The subject with which I am principally concerned to-day is the reorganisation of the civil courts. The orders of the Secretary of State on what is known as the Greeven scheme were received at the end of 1912. In the interval the matter has been carefully examined in consultation with the High Court and the Judicial Commissioner, and I am now in a position to state what steps it is proposed to take during the coming year. In so doing it will be convenient if I first explain briefly what the composition of the present cadre of the judicial services is and what it will be when the scheme sanctioned by the Secretary of State has been completely introduced.

"There are at present 28 posts of District and Sessions Judge. Of these five posts are listed as open to the provincial service. In addition there have been for a number of years three temporary posts of Additional District and Sessions Judge. Under the new scheme there will be 31 posts of District and Sessions Judge, and Additional District and Sessions Judge. Eight of these posts will be listed as open to the provincial service. In addition six new appointments of Sessions and Subordinate Judges, officers who will combine the powers of a Sessions Judge on the criminal side, with those of Subordinate Judge on the civil side, have been sanctioned. Four of these posts will be held by members of the I. C. S., two will be included in the provincial service. The two posts of Assistant Sessions Judge now held by members of the I. C. S. will be abolished and their place taken by two posts in the provincial service. The scheme involves, I may here explain, the reconstitution of certain judgements in Agra. Three new Judgements are sanctioned for Bulandshahr, Budaun and Kumaun; and the three judgements of Muzapur, Jaunpur and Banda will be abolished, the districts now included in these being brought into the judgements of Allahabad, Benares, Cawnpore and the District and Sessions Judges at present attached to these judgements being replaced by Sessions and Subordinate Judges.

"In the provincial service as reconstituted there will be only two classes of officers, to be called Subordinate Judges and Munsifs on uniform rates of pay. This

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involves an increase in the number of Subordinate Judges in Agra from 19 to 33; and in Oudh from 12 to 16; or from 31 to 49 in all. Out of these eighteen new posts however, seven in Agra and two in Oudh, represent lapses amongst the old Assistant Sessions Judges and Small Cause Court Judges who will cease to be shown separately. From amongst the Subordinate Judges two, one in Agra and one in Oudh, will as above mentioned have the powers of Additional Sessions Judges on the criminal side, whilst six, four in Agra and two in Oudh, will also act as Assistant Sessions Judges. There will also be eight Small Cause Court Judges, six in Agra and two in Oudh. The number of Munsifs will be raised from sixty-eight to sixty-nine in Agra, and in Oudh from 26 to 31. In addition however there will be a new grade of probationary Munsifs, 12 of whom will be employed in Agra and 2 in Oudh.

“As regards the rates of pay, there are at present in Agra—

| | Rs. |
|-------------------|-----------|
| 1 appointment on | 800—1,000 |
| 7 appointments on | 800 |
| 7 ditto | 650 |
| 11 ditto | 500 |
| 22 ditto | 400 |
| 24 ditto | 300 |
| 22 ditto | 200 |

“Under the new scheme there will be—

| | Rs. |
|----------------------------------|--------------|
| 2 on | 800—40—1,000 |
| 8 „ | 800 |
| 9 „ | 650 |
| 14 „ | 500 |
| 22 „ | 400 |
| 24 „ | 300 |
| 23 „ | 200 |
| 12 (the probationary Munsifs) on | 175 |

“In Oudh there are at present—

| | Rs. |
|-------------------|-----------|
| 1 appointment on | 800—1,000 |
| 2 appointments on | 800 |
| 3 ditto | 650 |
| 6 ditto | 600 |
| 7 ditto | 500 |
| 8 ditto | 400 |
| 8 ditto | 300 |
| 10 ditto | 200 |

“Under the new scheme there will be—

| | Rs. |
|------|--------------|
| 2 on | 800—40—1,000 |
| 2 „ | 800 |
| 4 „ | 650 |
| 8 „ | 500 |
| 10 „ | 400 |
| 10 „ | 300 |
| 11 „ | 200 |
| 2 „ | 175 |

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"It has been decided that the new scheme shall be introduced in its entirety from the 1st of April next, except as regards the two appointments of District and Sessions Judge, and one of Subordinate Judge. Two of the District and Sessions Judges included in the cadre sanctioned by the Government of India are intended for the new judgeships which, as mentioned above, it is proposed eventually to constitute for Bulandshahr and Kumaun. The Kumaun judgeship will also be given a Subordinate Judge. But extensive building operations at Bulandshahr, Naini Tal and Bareilly will be necessary before these judgeships can be established, and it will not therefore be possible to sanction these appointments for some time to come. In the interval the number of District and Sessions and Additional District and Sessions Judges will be 29 as against a sanctioned number of 31, and there will be 48 Subordinate Judges only as against the sanctioned total of 49.

"The ultimate recurring cost of the new scheme will be in round figures, Rs 4,85,000. This sum includes however Rs 33,000 on account of certain additions to the inferior appointments in the Indian Civil Service cadre consequent on the changes above mentioned. It also includes Rs 27,000 for the pay of apprentices who it has decided shall in future receive Rs. 10 per mensem.

"The provision in the budget for next year is 3,60, and will suffice to cover the cost of the revision of the provincial judiciary, with the solitary exception of the appointment of one Subordinate Judge to be held in abeyance for the present, and also that of the pay sanctioned for apprentices.

"The non-recurring expenditure on buildings will amount in the case of Agra to close on five lakhs. In Oudh something like a lakh is required for court buildings, but the proportion of this attributable to the new scheme is small.

"There is an item in the budget of Rs 1,15,000 (Rs 15,000 recurring and 1 lakh non-recurring) for operations under the Criminal Tribes Act of 1911. The plan of operations will be dealt with by the Inspector-General of Police, but there are certain aspects of the question which I desire to lay before the Council. The details of the action contemplated have not yet been settled, but the general nature of the measures proposed is as follows:—

"The criminal tribes of these provinces fall into two broad divisions—

(a) settled tribes, (b) wandering tribes.

"As regards the settled tribes it is proposed to take action only against those sections whose criminality is clearly proved by their recorded convictions. An example of such a section are the Pasis of nine villages in Rae Bareilly against whom action has recently been taken under sections 3 to 10 of the Act. These sections will be notified as criminal tribes, and their members, where necessary, will be registered under section 4, and required to report their absence or change of residence under section 10. In addition it is proposed that sections of settled tribes which are given to inter-district or inter-provincial crime should be restricted to their villages, and prohibited from leaving these except under passes. This part of the operations will cost nothing. It is under consideration what tribes or sections of tribes are to be dealt with in this manner. A census of all the tribes has just been prepared. It is expected this will furnish the information necessary for a decision.

"Some tribes or sections of tribes though actually settled have, unlike the bulk of the settled tribes, no means of livelihood except crime. I may instance as examples of these the Maghya Doms of Gorakhpur, other than those in the settlement at Gorakhpur, and the Sansrahs in four Kheri villages. These sections it is desired, if possible, to gather into settlements under the management of the Salvation Army, which has been conspicuously successful in the work of reclamation which it has now pursued for some years in this province. It is also proposed that the

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actual wandering tribes should be similarly brought into settlements. A statement to be laid on the table to-day will show the composition of the tribes or gangs to be so dealt with. Their numbers are in round figures 6,500 which include some 1,800 Doms. There is already at Gorakhpur a very successful Dom settlement, and it is proposed to bring these 1,800, who are at present resident in Domrakhanas scattered over the district, into the settlement. I regret to say that the location of the settlements for the remainder has not yet been decided. It is necessary that a settlement should be so situated that employment either on the land or in some manual industry can be provided, and it is extraordinarily difficult to find any such places. Excluding the Maghya Doms, however, the number of persons to be provided for is only about 4,700 and it should be possible to arrange for the settlement of this number. The cost of this part of the operations will not ultimately be large—since it is contemplated that the settlements will be self-supporting within a short period after their establishment. The main expenditure will be non-recurring. It is of course impossible however at this state to give any exact estimate and for that reason a lump sum has been entered in the budget. I am sure that the expenditure will in the end be fully justified in the diminution of serious crimes of violence, for which the criminal tribes are so largely responsible.”

The Hon'ble Mr. Pim said —

“The subjects with which I am now concerned are not of very much general interest and there is little to add to the information given in the financial statement. Members will have noticed that the estimate of receipts from provincial rates made in the first edition of the budget estimates has been reduced by Rs. 22,08,000 on account of reappropriations which used to be made from local rates for the purpose of meeting the charges on account of village police in Agra. On the expenditure side the Government of India have provided for an increase of Rs. 11,000, under provincial police charges apparently to meet the charges for the half year as the changes will take some time. Coming down to civil works on page 22 of the estimate there is an increase of Rs. 24,000 which is mainly on account of higher receipts in the Government share of profits from the Shahdara-Saharanpur Light Railway. Turning to expenditure there is one item of Rs. 14,000, with reference to the Mirzapur stone quarries, which may perhaps need some explanation. Some years ago the Bengal Stone Company exported stone for the Allahabad-Fyzabad Railway. They were entitled to export free from duty from their siding at Birohi, but to save time in construction they exported from other points also and paid duty with a view to future refunds. There has been much delay in proving the claim, but the company have now shown that duty of the amount of Rs. 14,000 has been paid on stone which was for Government use on this construction and therefore they are entitled to a refund as this work was given stone duty free.

“Under 22, Education—contribution to district boards, on page 96 of the budget, the figure passed in the first edition of the budget for 1913-14 shows an increase of Rs. 3,59,000 over the figure passed in the budget of the current year on account of transfers from the 7 lakhs special recurring grant for education received from the Government of India. A subsequent lump grant of Rs. 5,000 (non-recurring) was passed in the supplementary schedules for the purpose of building a school at Ballha.

“Turning next to 45, Civil Works—in charge of civil officers, there is nothing special in the first edition of the budget. But subsequent to that a sum of Rs. 6,500 has been passed as a special grant to the Allahabad municipal board for providing accommodation in their new office for the courts of honorary magistrates. The Government of India have made a reduction, Rs. 3,43,000, under this head in connection with the scheme for the remission of appropriations from local cesses.

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"The most important increase in expenditure with which I am concerned is that under 29—Superannuation on page 125 of the estimate I made special reference to this point in the revised financial statement, and, as members can see, the estimate for the ensuing year is Rs 1,80,000 higher than the budget for the current year. The revised for the current year is one lakh higher than the original budget estimate, an increase necessitated by the progress of actuals as reported by the Accountant-General. In the course of 5 years the expenditure under this head has increased from Rs. 26,89,000 in 1907-8 to a budget estimate of Rs 32,60,000 for the next year. The increase has been exceedingly rapid. One cause of the increase appears to be the very large number of residents of these provinces who have been in Government service elsewhere or in other service qualifying for pension. I had not much time during this cold weather to go into the question in detail, but propose to do so shortly in consultation with the Accountant-General in order to get some idea whether the present rate of increase is likely to continue. If it is, the burden on provincial resources will be a heavy one.

"The only other matter which I might perhaps mention is to slightly amplify the information given by the Hon'ble Mr. Burn with reference to the proposals of the Pike Committee. As members will see, there is an item of Rs 6,25,000 in the budget for the carrying out of their recommendations. Mr. Burn has dealt with the proposal as far as gazetted officers are concerned and I need only add that of the miscellaneous offices which that committee dealt with 28 have been considered up to the present and orders definitely passed as to the changes in pay. These orders will involve an increase costing about Rs 35,000 in next year's budget rising to an average increase of about Rs 42,000. Offices are still under consideration for which increases of pay amounting to Rs 99,000 have been proposed by the departments concerned, orders have not yet been passed as regards them. Three offices besides the district and divisional offices remain which have not been considered, viz. the Board of Revenue, the Sanitary Commissioner and Sanitary Engineer. It is not likely that they will involve an increase of cost, and in fact a decrease is probable. There is nothing further which I need add."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR moved "that this Council recommends to His Honour the Lieutenant-Governor that Rs 30,685 allotted to the Civil Works under the head of Medical for carrying out alterations and extensions in the European section of the Lunatic Asylum at Agra be transferred to the head of Land Revenue to be spent on devising means for cheaper and purer milk supply in large towns." He said—

"In moving this resolution I desire to prominently draw Your Honour's attention to the prevailing scarcity of certain commodities which is affecting all sections of the community. The Government, I am afraid, has not fully realized the extent of the inconvenience and hardship felt by people of all classes owing to the dearth of milk and milk-products, which sell at prices not within the reach of men of moderate means. This form of scarcity is not only undermining the health of the people, but is also helping to increase the death-rate among them. It is also to a great extent responsible for the abnormally high infantile mortality in these provinces.

"I can assure Your Honour that no topic of public interest is discussed with greater warmth and eagerness than the scarcity of an article of food upon which depends the health of the people. There are in this Council Chamber members who can from personal experience testify to the fact that even in large towns, not to speak of villages, *ghr* used to be sold three decades ago at Rs. 20 a maund, but now it is sold at Rs 50 per maund. But even that cannot be said to be the genuine article. Two decades ago, it did not pay either the manufacturer or seller to adulterate *ghr* with vegetable oils. But now the people, in the name of *ghi*, not

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only consume oils, but, what is worse, even the laud of animals with which it is adulterated. I need hardly say that this form of adulteration interferes with the religious sentiments of the people. There are vegetarian Hindus who feel scruples in consuming *ghi* as sold in the market, but they consume it all the same, because it is impossible to procure unadulterated *ghi* either for love or money. Adulteration generally is carried on in the place of manufacture, which is generally situated at a considerable distance from the place of consumption. If one were to glance at the figures of the last fifteen years, one would find that the rise in the price of *ghi* bears no proportion to the rise in the price of other commodities. In 1897 the average price of *ghi* at Lucknow was Rs 26 65 per maund, at Meerut 27 66, at Cawnpore 25 31. Five years later, the price at Lucknow rose to Rs 30 40, at Cawnpore to Rs 28 85 and at Meerut to Rs 29 83. I have not taken the figures of 1901 when the prices ruled abnormally high. In 1907 the prices rose at Lucknow to Rs 41 97, at Meerut to Rs 40 41 and at Cawnpore to Rs 40 97. The figures of 1912 have not yet been published, but it is a matter of common knowledge that the present price of *ghi* is 12 chattaacks a rupee or Rs 50 a maund, that is almost double of what it was in 1897. Besides, the quality of the article as at present sold in the market has greatly deteriorated.

"Now, there can be two explanations offered for this abnormal rise in the price of this article. In the first place, it may be urged that owing to the increase in demand the price has gone up. But this is not true, rather on the contrary the consumption has gone down. Thousands of middle-class people have to go without *ghi*. It is no more possible for the mass of the people to have *ghi* preparations on festive occasions. Every effort is made to reduce the consumption of *ghi* in marriage festivals. It is quite natural for the people when faced with high prices to do away with articles which, though necessary for their system, yet could be dispensed with in favour of articles of greater necessity. In support of my contention that scarcity of *ghi* is not due to greater consumption of the article, I can give figures relating to Lucknow, where with almost a stationary population the consumption of *ghi* has not increased. Lucknow imported in 1892-3, 25,957 maunds, in 1897-8, 24,367 maunds, in 1902-3, 32,661 maunds, in 1907-8, 30,735 maunds and in 1911-12, 33,313 maunds. The little increase of 6 thousand maunds in 20 years can be easily explained. Owing to the scarcity of milk, *ghi* is no longer manufactured within the municipal limits. The people have to rely for their supply upon importations.

"What is true of *ghi* is also true of other products of milk and of milk itself. In the case of cream, the sale price within the last 20 years has risen 200 per cent., that of milk almost 300 per cent. Good milk, which could be had at 16 seers a rupee, can no longer be had at even five or six seers a rupee. The proportion of rise in the prices of these three articles is different. This is due to the fact that while *ghi* can be adulterated, it is not possible to adulterate cream or butter. What wonder that the people should have ceased to consume these life-giving commodities? If the stamina of the people is less to-day than it was, say, two decades ago, and they can no more stand the attacks of fevers as they did formerly, and further if they fall even an easier prey to malaria than the people of Lower Bengal—the home of malaria—the reason is to be found in the simple fact that the great majority of the people being vegetarians, they have been obliged to forego articles of food which with them are not luxuries but only bare necessities of life. Between their two meals, people do require some food which may not be substantial but which needs to be nourishing. Since *ghi* has gone out of the reach of the people, the prices having risen about 200 per cent., they are forced to consume more sugar-made articles. Hence we find an extraordinary increase in the consumption of sugar. Again referring to Lucknow, I would draw the attention of the Council

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to the extraordinary rise in sugar consumption In 1891-3, we consumed 38,857 maunds of sugar, in 1897-8 the consumption rose to 41,112 maunds, and in 1902-3 there was a slight increase of 200 maunds In 1907-8 the rise was fifty per cent, the figures standing at 69,446 maunds In 1911-12 the consumption rose to 81,275 maunds. It cannot be argued for a moment that the demand has naturally increased to the extent which is met by the extraordinary amount of imported sugar, because there is little variation in the consumption of other articles of food In 1893, the year from which octroi duty began to be levied on wheat in Lucknow, the consumption stood at 811,093 maunds. It never rose excepting in the year 1907-8. The consumption of wheat has fallen to 782,875 maunds. This fall is not sudden, the figures for 1908-9 were 697,337 maunds, for 1909-10 they were 662,017. In 1910-11 the figures were 783,631 maunds. If the demand for larger consumption had been genuine, it would have been noticed in various articles of food and not confined to sugar alone The explanation is that people who can no longer afford to purchase articles of food prepared of *gha* fall back on cheap beet-root sugar It is for medical men to say which is more conducive to health, consumption of pure sugar or that of *gha*-made articles and milk products like cream and *khoa* To my mind, salt helps more the formation of bone It thickens the blood and helps the formation of muscles and gives tone to the system, while sugar taken in large quantities by stay-at-home people given to sedentary habits gives rise to various diseases One need not therefore be surprised to find a large increase in the number of people suffering from diabetes The question is will the Government allow this state of things—the undermining of the health of the people—to continue, or will it be pleased to remedy this evil? As I have said, I am afraid the gravity of the situation has not been realized by the State The Government has done little in this direction. The Government of these provinces has within the last five years made heroic efforts to save the sugar industry from ruin It has for years kept a responsible officer on special duty, who was assisted by a well-paid staff and backed by the resources of the Government If these efforts have not succeeded in resuscitating the sugar industry, it is due to no fault of Government For the Government has done all that it could for sugar But with regard to the milk industry it has done nothing As regards milk supply the United Provinces have to rely on their own resources. As far as sugar is concerned, those who object to the consumption of beet-root sugar may consume sugar from Java, so that they cannot suffer even if the sugar industry in these provinces is completely ruined But no other province of India and surely no foreign country can meet the demands of these provinces for milk or milk products Condensed milk in large quantities might indeed be imported from Australia, but it will not be acceptable to the people of these provinces.

“We have therefore to rely for our milk supply upon our own resources. These resources have to be developed by Government at considerable sacrifice of money and even a portion of the land revenue. The Government must make up its mind as to what sacrifice it is prepared to undergo. Three years ago the Government of Sir John Hewett called a conference to consider the question of the supply of milk products This was a step in the right direction It led the people to hope that something practical would be the outcome of the deliberations of the conference. The conference after considerable discussion passed a resolution on the defective supply of milk products and made certain recommendations with a view to improve the supply. These recommendations were —

- (a) Municipalities should provide pasturage facilities out of municipal funds if need be.
- (b) Municipalities should encourage private dairies by giving pasturage facilities at cost price

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- (c) Government might help to start dairies by advancing money for the purpose as *tagavi* and by giving expert advice.
- (d) Municipalities should take steps to regulate the milk supply by effective supervision over milk shops, dairies and cow-sheds, and frame sanitary bye laws where they are not already in force
- (e) Railways should give favourable rates and special facilities for transport of milk, and private associations near railway stations for the supply of milk by rail should be encouraged.

"Has any of the above recommendations been given effect to? No municipality in my knowledge is in a position to provide pasturage facilities out of municipal funds or encourage private dairies by giving pasturage facilities at cost. As far as I am aware, the Government has not sanctioned any system of advancing money to start dairies. In fact, neither the local bodies nor the Government have spent a farthing to give effect to the first three recommendations of the conference.

"I think I have made out a strong case at least for small allotments being made by Government in this direction. I am sure the Sanitary Commissioner has made proposals before him for the construction of byes in large towns to enable the Gwalas and Ghosis to use these places as cow-sheds. This is a measure which will help to some extent the solution of the question of milk supply. But I am afraid a few thousand rupees spent in constructing the byes will not do much. The wants of the people will be removed when the Government takes steps to encourage the industry in the same way as it has done in the case of sugar. The Government should see that the land for pasturage is secured. At present for want of pasturage grounds, the people are forced to sell their cattle as soon as they become dry to the butcher because they cannot feed them when they become dry. This should be prevented. Large sums of money are no doubt required for such an undertaking. But as it is likely to be productive, the Government should not grudge the expense. To give a start to certain suggestions made by me, I request the Government to set apart Rs. 30,685 earmarked for additions to the Lunatic Asylum at Agra. I single out this item of expenditure, because I think the extensions can wait for some time, particularly having regard to the fact that we have been told that the question of constructing an All-India Lunatic Asylum for European patients at Ranchi is under the consideration of the Government of India. I do not object to the European sufferers from the malady securing a place suitable to their convenience, but till such time that the question of constructing a Central Asylum is not finally disposed of, I do not feel inclined to support the expenditure at Agra. The money will be better spent, I say, in procuring 65 thousand bighas of land for pasturage in the neighbourhood of large towns."

The Hon'ble LALA SUKHBIR SINGH said:—

"With Your Honour's permission I beg to support the first part of this resolution with great pleasure. The question of the supply of milk and *ghee* is becoming more and more pressing. It is the case not only in large towns as remarked by my honourable friend Babu Ganga Prasad Varma, but in small towns and villages also, that milk and *ghee* are getting out of reach not only of the poor but of the middle and high classes as well. Where formerly thousands of milch cattle and buffaloes were to be found, now they can be counted on the fingers. The scarcity of milk and *ghee* is due to the falling off in the number and quality of milch cows and largely of buffaloes, as Your Honour yourself remarked at Meerut a few days ago in reply to an address presented by the district and municipal boards of that town. The number and breed of cattle are daily deteriorating. In my district of Muzaffarnagar I find that thousands of she buffaloes are exported to the Punjab, and it is now difficult to get a good buffalo for less than Rs. 150, whereas it could be

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got for Rs 50 before. The same is the case with milch cows. Therefore in such circumstances it is absolutely necessary to devise some means to improve the condition of milch cattle for which every class of people will be thankful to Your Honour.

"As regards the second part of the resolution I am not prepared to say anything. But I beg to submit that if this allotment cannot possibly be utilized for this purpose, an allotment can be made from the balance which is more than the sum required in the rules."

THE HON'BLE MR SHAHID HUSAIN said.—

"I have got great sympathy with the subject that has been just discussed, namely, the scarcity of the supply of milk. I am afraid that this question has been put in rather a feeble manner, in the sense that a stronger case has not been made out by the proposer of this resolution. What I mean is that the very root of the evil has not been discussed. It may be that my learned friend does not wish to raise a question which may be misconstrued in some manner. The resolution involves the question of the improvement of cattle. The question of the scarcity of milk arises simply because the cattle of these provinces have been deteriorating for some time past, and the matter has been brought to the notice of the Government several times in papers, by pamphlets and otherwise. It is not a new question. It is absolutely impossible to devise means unless this very question is taken in hand in a bolder spirit and both the Government and the people unite in taking steps for the improvement of cattle in a right sort of way. In 1910 I sent a paper to the Pioneer which I was unable to read in the meeting which was convened here at Allahabad in connection with the Exhibition on this subject. I suggested that we are ourselves to blame a great deal for not taking this matter in hand, and if we were to unite ourselves in forming committees in larger towns and even in smaller areas, and if it would be properly organized I am quite sure that both the officials and non-officials would work very whole-heartedly in a question in which every one of us is interested and in which every one of us will take part most willingly. But there is always a danger in raising this question. Once a question as regards cattle is touched somehow or other extremists take advantage of it and try to impute motives whether the question be raised by a Muhammadan or by a Hindu. This in my opinion is a very simple economic question and it affects everybody. It is very serious. It is very serious to, particularly as it results not only in the increase of that particular ailment which has been mentioned by my learned friend but is also one of the chief causes of infant mortality which is regrettable on the increase in this province. I should personally have wished that we should not have approached the Government at this stage. We should have approached the Government when we had done something ourselves, had established, it may be, co-operative societies or dairy farms at first in the larger towns. But I am sorry to say no steps have been taken in that direction, although some company has been started under the aegis of the Hon'ble Babu Ganga Prasad Varma at Lucknow. I see possibly no object in this resolution except as a very interesting and instructive discussion on the shortage of the milk supply. I submit this is a matter which should be taken up outside the Council and that Government should be approached by bodies as regards laying down definite schemes in definite areas. The question of pasturage, the question of relieving these pasturage grounds from Government revenue, all this would have to be considered in any workable scheme. I submit that as regards the allotment of Rs 37,885, objected to, I am not in agreement with the honourable mover of this resolution. It has been held necessary that this money should be spent and I think it should be so spent."

THE HON'BLE KHWAJA GHULAM-US-SAQLAIN said.—

"There are two parts of this resolution proposed by the honourable mover. The first is constructive and the other destructive. The constructive part wants to

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improve the supply of pure milk and the destructive part wants to take away money allotted for carrying out the additions to the Lunatic Asylum for Europeans. But none of the members who have supported the resolution have supported the destructive part of it. I think without the second part being supported, it cannot be said that the resolution has been seconded and I therefore second both the parts of the resolution for reasons given below.

"As regards the first part, I submit that those persons who have experience of the hardships of the poor people will agree that the supply of pure milk and *ghr* is one of the essential requirements of life. But unfortunately, owing to the rise in the price of land, common land has been encroached upon and pastures have disappeared, and the Government will have sooner or later to tackle this important question of how to improve the cattle and to increase the area of pasture land. I think my honourable friend the mover has done a service in bringing this question to the notice of Your Honour.

"As regards the second part of the resolution, namely additions to the Lunatic Asylum, we have not heard the honourable member who is in charge of the department, but I say if the Government assures the Council that it is absolutely necessary for the purpose of protection of lunatics that there should be an addition to the ward, we shall not press the resolution. I believe the Europeans are the sanest portion of the population. If an addition is required for them then the whole revenue of India would not suffice for a mad house for the Indians. Though I am an Indian, I admit that the Europeans are the sanest portion of the population. Therefore I would say that if the circumstances are such that the Rs 30,685 are urgently required for carrying out the additions to the Lunatic Asylum, of course there should be the Lunatic Asylum, for I would like to have saner Europeans rather than a purer supply of milk. But I think there is no such necessity, and as the Public Services Commission is sitting no such consideration ought to be submitted as that which is implied in the addition to the ward. I think the honourable member should say how many persons amongst Europeans entered the Lunatic Asylum during the last five years and whether there was not accommodation sufficient for them, and if not whether there is an urgent need for spending that money. If it is necessary, no one would like to press the subject."

The Hon'ble MUNSHI NARSINGH PRASAD said —

"I beg to support the resolution that has been so ably moved by my friend the Hon'ble Babu Ganga Prasad Vajma. I support it, Sir, not because the carrying out of the alterations and extensions in the European section of the lunatic asylum at Agra is not needed, or because that will be a useless expenditure of the public revenues, but I support it because the supply of cheaper and purer milk in larger towns is of such paramount importance that before it the importance of the item of expenditure proposed to be deleted from the budget dwindles into insignificance. The question of the supply of milk of a quality superior to that which is available ordinarily in the market and at rates which will be within the reach of the middle class people has been engaging the attention of the Government for some time past, but no practical result has been arrived at. A very large and important section of the residents of towns, especially the vegetarian class, consumes milk every day and cannot do without it. But the difficulties they are put to in obtaining the right stuff and the impossibility of obtaining it at times are so great that even babes and small children, who depend entirely on milk, have to swallow a stuff which, instead of nourishing the young life, sows the seed of myriad diseases in it. I believe, Your Honour, that the supply of bad milk is responsible to an appreciable extent, for the appalling infant mortality in our provinces. Various questions connected with the milk supply deserve the consideration of Government for instance the supply of suitable and wholesome fodder to milk-giving cattle, the housing of them in healthier quarters, preventing the adulteration of milk and the provision of farms for

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grazing If means were devised for remedying these evils, a great step forward will have been taken in the right direction and in the attainment of the object we have in view. No doubt it is primarily the duty of the municipal administrations to remedy the present unsatisfactory state of affairs, but the finances of the majority of them are not in such a condition as to enable them to carry out projects for improving the supply of milk. It is for this reason that the help of the Government is needed. I do not agree with my learned friend the Hon'ble Shaikh Shahid Husain's remark that the question is not fit for the consideration of this Council and that it ought to be considered outside. My submission is that the present state of affairs is such that, unless Your Honour helps us in this matter, municipal administrations or the public generally will not be able to do anything for the attainment of the object in view. With these words I support the resolution which has just been moved."

The Hon'ble MUNSHI MAHADEO PRASAD said :—

"On this question of supply of pure milk to towns, I would submit for Your Honour's consideration the practical example of Benares in this matter. In Benares we have got a co-operative society which is worked by the shirs, who are supplied money from the banks. They have got cattle—buffaloes and cows—and they have got a pasturage near the city by the kind efforts of the Hon'ble Babu Moti Chand. The milk is brought to the markets in several places in big locked cans and it is then sold to the public who come there to take it. So we have done some thing in this direction. I would submit that if an impetus be given by the Government in this line, we shall be able to do much in this direction. The supply of pure milk and milk products is necessary for the development of the people of this country. Sometimes it so happens that bad milk, *khoa* curds which are sold in the market, multiply the disease germs to an extent that causes the multiplicity in the death-rate of a town or area. I therefore submit that it is now time that the Government might be pleased to move in this direction and follow the example of Benares and do what lies in its power. With these remarks I would commend the resolution for Your Honour's consideration. I am not in a position to say anything about the second part of the resolution as I have not got facts and figures regarding it."

The Hon'ble MR. PIM said :—

"The discussion on this resolution has taken a very wide range. The resolution is worded —

'That Rs 30,685 allotted to the civil works under the head of Medical for carrying out alterations and extensions of the European section of the Lunatic Asylum at Agra be transferred to the head of Land Revenue to be spent in devising means for cheaper and purer milk supply in larger towns.'

"The discussion of the subject has gone much beyond those limits and has dealt with the question of the improvement of the breed of cattle, the extension of grazing lands and other matters which are the direct concern of the Agricultural Department and with reference to which the Hon'ble Mr. Hailey will make a statement later on in the Council. The resolution deals more specially with the wide, but still less wide question of the improvement of the milk supply in large towns and it is with that I will more specially deal. I had better explain with regard to this Rs 30,685 in connection with the Agra Asylum how the situation now actually stands. It has been recognized for a long time that the accommodation for European patients is very bad, but action was postponed because of the proposal for a central asylum at Ranchi. It appeared however that this project was not likely to materialize, and when Sir John Hewett was in Agra last year he was so much struck with the scandalous condition of the accommodation there that he directed that steps should at once be taken to improve it. An allotment of Rs 19,000 was set aside out of this year's saving for that purpose, but before

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action was actually taken towards expending this sum it was ascertained that the project of the Ranchi asylum was likely to mature within a short time and action was therefore suspended, and the Rs. 19,000 has been re-allotted for other purposes. The Rs. 30,000, for next year is however kept in the budget partly because the scandalous state of things in the Agra asylum will make it necessary to take up the question of the European lunatics unless the Government of India intend to take action at Ranchi. If, on the other hand, we find that they do intend to take action within a reasonable period, the money will be required in any case, if section 5, clause (4), of the Indian Lunacy Act IV of 1912, is applied to these provinces, for an extension of accommodation in asylums will be wanted, not only in Agra but also in other asylums.

"I may next deal with the question of the milk supply in large towns. The subject of the supply of *ghr* to which my honourable friend refers is quite a different matter, as the supply of *ghr* does not come from the neighbourhood of large towns, but mainly from distant areas more specially from the Talai and from Bundelkhand. That question will be separately dealt with.

"As regards the present arrangements for the supply of milk there is unfortunately no question that the state of things is exceedingly bad, and this is most forcibly confirmed by the terrible record of infant mortality. The Sanitary Conference considered the question and made certain recommendations for municipal dairies and suggested certain alterations in the law. Then again, as the honourable member has said, the cattle conference suggested that additional facilities should be provided for grazing in connection with municipalities, and that assistance should be given out of municipal funds.

"The honourable member himself, in 1910 I think it was, brought up a project in accordance with the proposals of the Sanitary Conference for the starting of a municipal dairy in Lucknow, and he asked for a grant for that purpose. The money was not, however, sanctioned partly because the sphere of municipal action seems to be rather in the control and regulation of the trade than in actually entering into the milk trade, and partly perhaps because the financial prospectus which was made by the honourable member was so favourable that it seemed clear that private enterprise ought to take up the project. In Benares, as another member has said, private enterprise has taken it up, and I have seen very favourable accounts of the working of the dairies. Whether Lucknow has done much in that direction as yet I do not know. In last October the honourable member had a proposal also for a grant which he discussed with me in Naini Tal, and he agreed that as incomplete projects were being cut out of the budget he should prepare a definite project dealing with the whole condition of the trade and would then bring it up. But in January at the meeting of the Finance Committee he did not bring it up so far as I remember, and I suppose this resolution takes its place. Possibly he did not wish to trust me too far unless I was definitely bound down by a resolution of Council. I do not know what his experience of financial secretaries has been in that line.

"To take the main question how the conditions can be improved. There are many stages at which action is required. In the first place the training of the *gwalas* is required. Then again they must work under sanitary conditions. There must also be improvement in the arrangement for the distribution of milk, and there must also be sufficient legislative provision and a sufficient number of competent officers to check the sale of adulterated milk, which undoubtedly does a very great deal of harm in these provinces. With regard to the training of *gwalas*, projects are under consideration both in connection with the new cattle farm in Muttra and I believe in connection with the suggestion for a farm in Lucknow and action is likely to be taken before long. The Hon'ble Mr. Hailey will know more about

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[Mr Puri]

that. Then with regard to provisions as to the sanitary condition of the byres, that question has been much discussed, and it was very prominently put forward in a note read by Major Harriss at the Sanitary Conference. Colonel Wilkinson also makes special allusion to it in his note. It is not intended to start actual municipal dairies because that scheme has not I think met with very much support from the experts who have considered the matter, for the fact is that the sphere of municipal dairies is exceedingly limited, and any scheme to be of real use must provide for the wants of the 'plain people' (to use an American expression). Major Harriss has worked out a scheme for the construction of model byres and has proposed the grant of a sum of Rs 19,000 to the municipality which the honourable member so ably represents. It has fortunately been possible to meet that request from a part of an allotment made for improvement at Rikhiyesh by the Government of India, and that sum will shortly be paid over to the municipality. But before the actual expenditure can be sanctioned, the municipal board will be required to submit a definite scheme showing how they propose to deal with the various stages of the supply of milk. That of course they will work out in consultation with the Agricultural department.

"As regards distribution, they will have to show what they propose to do in this connection and also with regard to improving the standard of byres up to that which is set by the model byres which it is proposed to construct. Such improvements cannot be carried out in a day. They will take a good while to work out, and they can only be carried out successfully if municipal or legislative action is supported by a strong public opinion. The steps which for the last year have been taken by the Government in that direction have been for the purpose of forming this public opinion, so that when action became possible it might be more effective, and the speeches made by the honourable members to-day certainly indicate that there is a strong public feeling which may be expected to support any action which may now be taken.

"As regards legislative provision the present Municipal Act is possibly not quite adequate for all that is wanted, but provisions have been included in the new draft Municipal Act which would give municipalities very much extended powers. Powers are, however, of no use unless there is someone to carry them out, and in this connection again there has been a great advance in recent years by the institution of the new services of health officers and sanitary inspectors. The institution of the new services makes it possible to hope that before very long a great deal more will be done towards checking the dissemination of disease by the sale of impure milk. What I have said deals with the various stages of the milk supply as regards large towns.

"As regards the wider aspects of the case, as I have said, that will be dealt with more fully by the Hon'ble Mr Hailey, but the honourable member must be aware that the new cattle farms should have and are intended to have a great effect towards improving two of the most important breeds of cattle in these provinces.

"With reference to the provision of a greater area of waste land, this appears to be a wide question with which it is not necessary to deal at present. That the waste areas have contracted in many places is undoubtedly the case and this contraction has gone on at a rather greater pace, than has the transition from keeping cattle in open grazing grounds to keeping stall-fed cattle, on which must very largely depend the provision of milk for large cities. The questions are therefore, though connected, by no means the same, and I do not think it is necessary for me to add any more on the subject. The Government has done a great deal and intends to do a great deal more in the direction which the honourable member wishes action taken, and it is unnecessary therefore to take the means which he has

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[Lieutenant-Colonel Mactaggart, Mr. Straight.]

suggested, while as I have said, the money provided in connection with the Agra asylum will be required either for the purpose entered in the budget or for the obligatory buildings required in connection with the new Act. I must therefore oppose the resolution as it stands."

The motion was put to the vote and lost

The Hon'ble LIEUTENANT-COLONEL MACTAGGART said —

"Although the jail department contains many detailed heads it is not a complicated one and I need only make a very few remarks.

"As regards the receipts, the estimate for the next year amounts to Rs 3,55,000 or Rs. 5,000 more than in the current year's budget. A fall in receipts from the sale of quinine was expected, but it is hoped that this will be more than counter-balanced by some increase in the receipts from the other jail manufactures

"As regards the expenditure for the next year, after excluding charges for maintenance of prisoners in police custody and charges in connection with the reformatory settlements for criminal tribes, which items are not under my control, the total estimated cost of the jail department for the next year is Rs. 18,96,000 or Rs 10,000 more than the allotment for the present year. The jail population is at present very low, much lower than I have ever known it to be before and it is not likely to fall further. It is also not expected that there will be much change in the cost of food grains for feeding the prisoners. The increase in the total estimated expenditure of the department, namely Rs. 10,000 is due to the provision of Rs 30,000 for the extension of the juvenile jail at Bareilly and, but for this charge the estimate for the next year would have been less than this year's allotment by Rs 20,000

"The extension of the juvenile jail is intended to provide accommodation for habitual juvenile prisoners to enable these youths to be brought under the same reformatory conditions as are now applied to non-habitual juveniles. It is not probable that the effects of reformatory treatment will be so marked or be so effective in the case of these habitual prisoners as it is in the case of non-habitual juveniles, but it may be confidently expected that many of the habituals who are received into the new jail will eventually be saved from a life of crime, and it seems to be probable that there will be in consequence a great deal of diminution in the number of professional and habitual criminals in the provinces."

The Hon'ble MR. STRAIGHT said —

"I am happy to say that the police budget does not present any difficulties, and requires but little comment from me. The fluctuations in receipts and expenditure have already been explained in the draft financial statement. There has, in fact, been no appreciable change in the "Receipts" of the Police Department during 1913-14. The only item which accounts for a decrease of Rs 5,900 is under the head "Other Miscellaneous Receipts," including recoveries for clothing, and this is based on past actuals.

"On the expenditure side an increase of Rs 8,300 has been provided for the grade promotion of Deputy Superintendents after completion of five years in one grade, which is in accordance with the decision of Government in this respect. There is an increase of Rs 21,116 under head "Constables." Of this Rs. 16,116 is due to periodical increments after completing 3, 10 and 17 years "approved" service as sanctioned under the scheme of the Indian Police Commission, and Rs. 5,000 to the entertainment of additional constables for the Allahabad City and Cantonments. Allahabad has for years past been admittedly under-policed, and the beats were altogether too unwieldy to be properly controlled. Provision has now

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[Mr. Stranght]

been made for a net increase of 1 sub-inspector, 9 head constables and 72 constables, that is to say the sub-inspector, 9 head constables and 20 constables have been found from the existing allocation of other districts, and the extra provision of Rs. 5,000 in the budget provides for the remaining 52 constables. This step I feel confident will ensure efficient patrolling, the more effectual control of traffic and improved protection to the citizens of Allahabad generally. An increase of Rs. 12,000 has been provided for under "Travelling Allowance of Police Force" on the basis of past actuals. There is a steady rise under this head, which is due mainly to subordinate officers and men now getting travelling allowance within their districts outside a radius of 15 miles and also out of their jurisdiction. An increase of Rs. 5,700 appears under head "Purchase of Tents." I may explain here for information of honourable members that the question of exacting more thorough supervision and more genuine work generally out of Circle Inspectors in the criminal administration of districts has been engaging the attention of Government for some time past and is now insisted on.

"In pursuance of this policy it has been decided to equip all Circle Inspectors with tents, to make them independent of the station staff and to assist them in moving about their charges more freely than it was possible for them to do when they were tied down to station houses for accommodation or were dependent on the hospitality of land-owners. Seventy Circle Inspectors have already been equipped with service tents, and the provision of Rs. 5,700 in the budget for 1913-14 provides for the rest. Greater importance is now being attached to the guidance and supervision by these officers in the investigation of serious crime with a view to every case of this nature being thoroughly sifted from the outset, and to the prevention of abuses. This very important part of their duty has, however, been neglected to a great extent in the past owing to the fact that Circle Inspectors were looked upon more in the light of inspecting officers, with the result that the duty of inspection was overdone to the detriment of other and equally important responsibilities. The responsibilities of a Circle Inspector in the matter of prevention and detection of crime are of course self-evident, but this has not sufficiently been brought home to them, and it may be conceded that the rule which required them to make a thorough inspection of their police stations once in six months was to a great extent answerable for this state of things. The rule, however, has now been relaxed to the extent of requiring every Circle Inspector to make a thorough inspection of each police station in his circle once a year from April to October, and this will enable them to move about much more freely in their circles and they can be much more usefully employed in guiding investigations, co-operating with other inspectors, checking village crime note-books and generally acquiring local information.

"In the budget for the current financial year a sum of Rs. 3,60,200 is provided for 'Police Reforms.' Of this Rs. 3,00,000 is for provincializing and re-organizing the Act XX Town Police and for converting the Notified Areas Chaukidari Police into Constabulary, and Rs. 60,200 to complete the remaining reforms sanctioned on the Report of the Indian Police Commission. There is no likelihood of the proposals for provincializing the police in Act XX Towns and for reforms being carried out during the current year, as Act XX of 1856 has not yet been repealed and the final sanction to the revised proposals regarding outstanding reforms are still awaited. Orders, however, regarding the conversion of the Notified Areas Chaukidari Police into Constabulary have only recently been received and the conversion is being carried out. A sum of Rs. 3,40,800 has been provided for Act XX and Notified Areas Police for 1913-14, Rs. 40,600 representing the increased cost due to subsequent changes in the constitution of the forces. Out of Rs. 60,200 provided during the current year for reforms a sum of Rs. 31,434 only has been

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repeated for 1913-14, the balance, viz Rs 28,786 has been relinquished as not required. In that portion of the budget relating to the Government Railway Police a decrease of Rs 26,700 is shown. Of this a sum of Rs. 20,000 represents the part cost of reallocation of the Government Railway Police as proposed under the scheme of the Railway Police Committee. The sanction of the Secretary of State to this scheme has not yet been received, and as there is no likelihood of the amount being required during 1913-14 the provision on this account has been omitted from the budget estimate. The balance, viz Rs. 6,700 is mainly due to the decrease in the cost of the police establishment owing to the transfer of the Delhi-Hodal section to the jurisdiction of the Punjab.

"There is a further provision of Rs 15,000 recurring and Rs 1,00,000 initial on account of cost of proposals in regard to registration, &c., of criminal tribes in connection with the introduction of the Criminal Tribes Act (III of 1911).

"Previous to the passing of this Act the only tribes remaining under the operation of the previous Criminal Tribes Act of 1871 were the Barwars of Gonda, and Sanasariahs of Jhansi. All other tribes originally proclaimed under that Act gradually passed out of effective surveillance chiefly by reason of deficiencies in the Act itself, which necessitated in due course a complete amendment of the same for such dangerous tribes and criminals as the Sansariahs and cognate tribes, who roamed about the country looting and stealing practically without restriction since the original law and the police were unable to deal with them effectively. The new Act which has been framed after the most careful preliminary discussion and deliberation by the Supreme Government has been designed specially to provide for this deficiency and is more comprehensive in its scope than the previous Act of 1871. A statement showing the census of criminal tribes and gangs in these Provinces is laid on the table (See Appendix XII). It will be seen that the criminal tribes, gangs or classes which it is intended to deal with under its operations have been divided into two general divisions, viz —

- (1) those who are of minor criminal importance, for whom action under sections 3 and 10 will suffice
- (2) those of greater degree of criminality, whose movements it is necessary to restrict under section 11 (a) combined in the cases of the more dangerous sections with settlements in colonies under special management and controlled as contemplated in section 11 (b). Class (1) can be dealt with *suo motu* by the Local Government, but for (2) recommendations must be submitted to the Government of India for sanction to the introduction of the proposals made in each case. With these objects in view a complete comprehensive census has been taken of all well-known criminal or quasi-criminal tribes in the United Provinces, whose criminal records establish beyond doubt that such tribes or sections thereof are addicted to the habitual commission of crime in various forms. Steps have also been taken to classify organized gangs or criminals of different castes &c., who combine together for the purposes of commission of crime, such as robbery, poisoning, cheating, swindling, cattle-lifting, &c., and rules have been framed by the Local Government under section 20 of the Act.

"As a result of an exhaustive inquiry instituted by the Criminal Investigation Department and continued by a specially selected Deputy Inspector-General of Police, with special knowledge of the subject, it will be seen from the statement attached to these papers that there are some 1,654 persons in the province who are known to be members of definable and organized gangs of habitual criminals. These come under class A and it is proposed to deal with them under sections 3 and 10 alone. No extra expenditure will be necessary in this case, except such as may

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be incurred in the preparation of registers and forms &c. The remaining 24 tribes shown in the statement come under class B (1) necessitating restriction of movements under section 11 (a). No further steps in regard to the actual settlement or provision for employment for any of these people will in the majority of instances be necessary, since the members of all the tribes mentioned are already settled in villages where they have ample opportunity for obtaining honest livelihood by cultivation or otherwise, the only expenditure being in the cases of Doms and Sansiahs, in whose case it will be necessary to obtain land or find other means of employment. The only two tribes which come under class B (2) necessitating actual settlement in colonies under special agency are the vagrant sections of the Dom and Sansiah tribes. The figures in the former case being 1,777 and in the latter 4,669. In these cases it is proposed to place all such colonies under the care and control of the Salvation Army, who have special experience in the control and reclamation of such tribes, and who have already gained the confidence not only of the authorities and the general public, but also of the tribes concerned themselves in all parts of India. These institutions are undenominational, and no question of religion is concerned. The underlying principle of Salvation Army work and methods being to turn these outcasts of society into useful citizens by gradually weaning them from their evil ways and teaching them useful and remunerative professions. The main expenditure in connection with the operations of the Criminal Tribes Act will therefore be incurred under head B (2), but it is at present impossible to give any financial details as these have not yet been worked out.

"The figures contained in the statement of tribes coming within the scope of the Act represent what may be regarded as the "elite" of the criminal classes in the United Provinces, many of whom carry their depredations into other provinces, and have for a long time past been entitled to more efficient surveillance and control, and it is anticipated that if those included in the list can be brought under effective surveillance such as provided under the Act, at least 75 per cent. of the violent crime of the province itself will cease, for not only have organized gangs of dakaits and highway robbers been included in the lists, but also organized gangs of cattle-lifters, &c., who are a veritable pest to society, a fact to which special attention was recently drawn in this Council by an honourable member specially interested in agricultural economies.

"The statements have, as I said above, been prepared with the greatest possible care and include only those persons whose habitual criminality has been clearly established from the conviction rolls, and all danger of oppression and improper use of the Act on the part of the subordinate police has been minimised as far as possible.

"From inquiries recently made from other provinces, it would seem that the measures we propose adopting locally are more or less on parallel lines to those now being introduced in neighbouring provinces, and that we are not behind now in the matter of initiating measures under the new Act, but it is evident that if the Act is to be fructuous, it will be necessary for all adjoining Native States to fall into line with us in the matter of common action against criminals of the description included in the schedule, regarding which we are in communication with the authorities concerned."

The Hon'ble MR. WOOD said —

"With Your Honour's permission, I propose to make a few remarks for the information of the Council on some of the more important works which my department is now engaged upon or about to commence.

"A new departure has been made in preparing the departmental budget for the ensuing year. Under Your Honour's orders only works which have been finally sanctioned (with a few rare exceptions) have been allowed to find a place in the

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budget, and I wish to convey the thanks of the officers of the Department to Your Honour for this deputaure. It means that the executive officers will now be able to make full arrangements for all their works at the beginning of the year, instead of having to wait for sanction until half the year is over and then finding they will have difficulty in spending the full allotment satisfactorily. We shall thus avoid the unseemly rush of work in the last three months of the year and the Accountant-General will, I trust, have no cause to complain that the expenditure in February and March is out of all proportion to the previous months.

"We have been rather unfortunate with two of the largest and most important works in the two capitals of the province—the High Court at Allahabad and the Goomti Bridge at Lucknow. As regards the former the hopes expressed by my predecessor in the statement he made before the Council last year have unfortunately not been realized. When Your Honour came into office a complete set of plans had been received from the Consulting Architect to the Government of India. The rough estimates indicated, however, that the cost of a building constructed upon these plans would be far in excess of anything that we had previously prepared ourselves for, and apart from this the plans were found in certain respects to be unsuitable for the climate of Allahabad. An entirely new ground plan has consequently had to be prepared, which, while providing for the requisite accommodation, is more suited to local climatic conditions. The Government of India have now sanctioned the preparation of the revised design by the Consulting Architect of these provinces, under the instructions of the Chief and Superintending Engineers, and no time will be lost in pushing on the work.

"As regards the Goomti Bridge, it would have been finished by now, had not an unfortunate incident occurred. Last March it was suddenly discovered that the pier next the right abutment had begun to walk towards the middle of the river. Several independent observations by the engineers appeared to conclusively prove that there had been a movement of 6 or 7 inches. This caused stoppage of the work and the removal of the heavy centering to which the movement was supposed to be due. As the necessary arrangements for stopping further movements could not be made in time to allow the arches to be built before the monsoon was upon us, it became necessary to stop all operations until the rains were over. It also appeared advisable to revise the design so as to reduce the weight of the arches. The arches have therefore been redesigned of reinforced concrete and the work is now proceeding with great vigour. The work is interesting, as I believe I am right in saying that this is the first instance in Northern India of a bridge of this magnitude being built in reinforced concrete. When completed, the whole structure should form a fitting finish to the many architectural beauties of this part of Lucknow. It will span the broad and handsome expanse of water created by the new weir, which is now rapidly approaching completion. This weir would have been finished this month, but there has been a slight delay owing to some alterations having been found necessary in the release gear arms of the falling gates. It is hoped, however, that it will be quite complete in May.

"The Department has been engaged on several large Imperial works which do not appear in the budget.

"The new Telegraph Office at Cawnpore has been completed at a cost of Rs 1,16,797

"The new Post Office at Agra costing Rs. 61,694 and at Benares costing Rs. 43,016, are well advanced and should be completed very shortly. An estimate amounting to close upon 2 lakhs of rupees for the Post Office at Allahabad has recently been sanctioned, and the work will now be pushed on. The project for the construction of the Postal Administration Offices in Lucknow has just been sanctioned by the Government of India. The work is estimated to cost about 2½ lakhs of rupees.

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Another large Imperial work is the Forest Research Institute at Dehra Dun, estimated to cost Rs. 2 lakhs. This building is making good progress. All these large Imperial Buildings have been designed by the Consulting Architect to the Government of India.

"We are also indebted to this officer for the design for the new Judge's Court at Benares which has just been completed at a cost of Rs. 2 $\frac{3}{4}$ lakhs and we are awaiting the same officer's design for a new Judge's Court at Cawnpore, for which a sum of Rs. 50,000, has been provided in next year's budget.

"The creation of a tenth Commissionership at Jhansi has necessitated the construction of a new office and residence for the Commissioner. The former will be ready by the end of the month, while the latter is expected to be completed by June next.

"The University Senate Hall at Allahabad was formally opened by Sir J. P. Hewett on the 31st of August of last year and work on the Law College, estimated to cost some Rs. 2 $\frac{1}{2}$ lakhs, is well in hand. This work, being a contribution work, is not included in the budget.

"Satisfactory progress continues to be made with the construction of High Schools. That at Basti has been completed, those at Budaun and Orai almost so, and adequate provision has been made in the ensuing year's budget for completing the schools at Mainpuri and Etah. The Pilibhit and Shahjahanpur schools, estimated to cost Rs. 1,31,236 and Rs. 68,063 respectively, are also on the programme, and work on them has commenced.

"Work on the King George's Medical College Hospital is making rapid strides and is expected to be completed during next year.

"The list of new police stations to be erected during the ensuing year is a long one, full provision having been made for completing no less than fourteen. Sanctioned estimates exist for all of these and work on the majority is well advanced.

"Turning to communications, the programme of rebuilding the many suspension and other bridges on the pilgrim route in the Garhwal and Almora districts is a very heavy one. The total programme amounts to about 4 $\frac{1}{2}$ lakhs of rupees. It involves the erection of 14 suspension bridges of spans of 100 feet and over, and 11 bridges of spans of less than 100 feet. Of these 3 have been completed, 4 will be finished by April, and the budget provides for as much further work as can be done during the ensuing year. When we consider the many difficulties there are in getting work carried out in such gridiron country, the enormous distances, and paucity of transport, the progress already accomplished may be considered satisfactory.

"Steady progress has been made with the programme for linking up through main lines of communication, and for next year a sum of Rs. 69,075 has been provided in the budget—viz Rs. 37,900 for completion of the Agra and Cawnpore sections of the Cawnpore-Etawah-Agra road; Rs. 15,000 for raising and metalling the Shikohabad-Etawah road; and Rs. 16,175 for completing the chain of metalled roads between Bareilly and Benares via Lucknow and Jaunpur.

"The usual allotment of Rs. 30,000 has again been made for feeder roads in connection with the Shahdara-Saharanpur Light Railway. It is now some three years since this scheme of providing these feeder roads was mooted, and up to date no less than 7 roads have been constructed.

"Serious inconvenience is being felt by the public owing to the prolonged periods for which the Dufferin Bridge at Benares is closed to cart traffic, and in order to remove this congestion it is proposed to build a bridge of boats in close proximity to the railway bridge. Rs. 70,000 has been provided for this purpose in the ensuing year's budget.

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[*Mr de la Fosse.*]

"The remarks of my predecessor in previous years were generally confined to works included in the Provincial Budget. But I think it may be of interest to the Council to know what is being done outside the budget. In addition to the large Imperial works I have already mentioned, the department is now actively engaged in carrying out several large schemes. One of the most noteworthy of these is King Edward's Memorial Sanatorium for tuberculosis at Bhawali. A number of the buildings have been erected and others are nearing completion. The expenditure up to date amounts to some Rs 54,500. The Sanatorium has been open since May last for the reception of patients. Further additions are still being made. The new water supply scheme for Mirzapur estimated to cost 6 lakhs is fast approaching completion. All the pipes have been laid throughout the city and the main, 6 miles long, for conveying the water to the service reservoir close to the city, is being rapidly put down. It is hoped that the large band to impound the water will be ready before next rains.

"Work on several large drainage schemes has been started. That at Allahabad, estimated to cost 18 lakhs, is now in hand, and work on the drainage of Hapur, Khurja and Fyzabad is progressing fast. At Bahraich, Aligarh and Rukhesh work is just commencing and Muttra will commence next month.

"The responsibility for the expenditure of a good deal of the non-recurring grant of 27½ lakhs, and recurring grant of 11 lakhs which has been given us by the Government of India for sanitary work will fall on my department. If these provinces are to reap the full benefit of this generous liberality on the part of the Government of India it will be necessary for that Government to be equally generous in the matter of the annual recruitment of our staff of engineers for several years to come.

"The programme before the department next year is therefore a heavy one, as besides the works contained in the provincial budget and the extra works I have mentioned outside that budget, there is the work under Excluded Local funds amounting to some 28½ lakhs of rupees."

The Hon'ble MR DE LA FOSSE said—

"Since the creation of the department of education in the Government of India, charged with the distribution of large assignments from Imperial revenue for expenditure on all forms of education, the interest in the provincial educational budget has shown a tendency to decline. The attention which was at one time focussed upon the struggle to satisfy out of the provincial revenues the demands which must immediately be met if the bare necessities of the educational department were not to go unprovided is now riveted upon the annual question of how much is the Government of India going to give for educational expansion and improvement. In consequence of these changed conditions my friend the Hon'ble Mr Pim, more fortunate than his predecessors, is able to listen to the financial statement of the Director with hardly a qualm of conscience. There is no longer any need for him to defend the economies which he has forced upon him, nor need he now plead the inadequacy of provincial revenues to meet his modest demands. The insatiable maw of the educational department is now turned hungrily upon the Government of India. The Director still prepares his annual schedules of new demands upon the provincial exchequer, but all the while he is maturing programmes of expansion for presentation to the Government of India upon a scale which he would never dare to suggest if the cost were to fall upon provincial revenues. It might be thought that as a consequence of this happier state of things the educational budget was being drawn up somewhat in an atmosphere of unreality, but the fact is that the demands of education are so tremendous and insistent now a days that it has been possible to map out quite distinctly the sphere in which provincial revenues should be employed and that in which Imperial revenues should be used to supplement them. Speaking

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[Mr. de la Fosse.]

broadly, the provincial revenues are charged with the maintenance of existing institutions and with normal expansions, and the Imperial assignments are utilised for wide schemes of expansion and improvement. To borrow a metaphor from the factory, the local Government undertakes the running expenses, the renewals and repairs, while the Government of India puts down new plant for extension of the business. I will not weary the Council with a detailed statement of the many items included in the provincial budget, but will briefly touch upon a few of them. I may mention that altogether they come to a sum of Rs. 1,69,000 above the amount provided last year, and that sum does not include the items which the Hon'ble Mr. Wood has mentioned in his public works budget. Rs. 37,000 has been provided for an electric installation at the Muir Central College, and Rs. 1,900 recurring for its upkeep. The Canning College was the first institution in the province to be equipped with electric lights and fans, and the comfort and convenience of the system has led several institutions to desire to follow suit. In the Muir Central College, with its splendid equipment in science and its large number of students, an electric installation may be regarded not as in the light of luxury but as a necessity. The new Sanskrit library, the Sarasvati Bhawan, at Benares is now ready and a recurring provision has been made in the budget for its upkeep. Great things are expected of this institution. But if it is to attract scholars of renown from all over India and the civilized world to study its priceless manuscripts, it must be provided with a proper income for its upkeep, so that it may be well looked after. Arrangements have already been made for the teaching of manual instruction at the Lucknow Training College. The workshops are now complete, and it is necessary to provide a recurring sum for the pay of an instructor and for services and material. The success of the manual training class at the Allahabad Training College has been so remarkable that we already require another instructor there, and so a sum of Rs. 1,800 is entered in the budget for providing instructors in the two institutions. It should not now be long before these provinces have a large staff of teachers qualified to give instruction in this new and most valuable subject, and in the new high schools which we are erecting in various parts of the province manual training workshops are always being attached. In connection with the Allahabad Training College it has been decided with a view to insuring a good secondary training throughout to appoint an Indian Educational Service head master, who should have had a secondary training in Great Britain. An extra provision for his salary has accordingly been made in the educational budget. In connection with this appointment it is proposed to build a new set of staff quarters and to convert the present quarters into classes for the primary departmental school. At present the model school attached to the Allahabad Training College has no primary classes which is a great drawback to its usefulness. In view of what I have just said I hope that the Hon'ble Dr. Tej Bahadur Sapru will now be satisfied that the money to be utilized for the erection of a house for the head master will not be money thrown away. The head master of the Government High School at Allahabad has always had a house, and it is only now proposed to convert his house into class rooms and to build him a new one. There are a few proposals for adding extra teachers in certain Government high schools which do not find a place in the revised financial statement. But I understand that as the sum is small, namely Rs. 3,500, the Hon'ble Mr. Pm will endeavour to provide it in the final issue of the budget. The sum involved is really necessary, as it represents the immediate demands of certain schools for extra teachers. Under furniture and apparatus Rs. 11,902 is entered for Government high schools. More than half of it is required for equipping one school—the new high school at Budaun—and the rest is distributed among other schools whose necessities are very great indeed.

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As a matter of fact, a very large sum could have been usefully provided for furnishing and equipping Government high schools Rs 21,746 is entered for minor works, mainly for Government high schools, and in addition Rs. 52,448 for new works. Out of this Rs. 20,387 will be for a new science laboratory and a training class room at Aligarh, and the remainder will be used mainly in increasing the accommodation, which is very necessary in view of the large number of scholars now pouring into our high schools, at Gonda, Bulandshahr and Bijnor. A small but important item is the provision of Rs 4,572 recurring for improving the pay and adding to the number of teachers in model schools attached to normal schools. These teachers are at present employed in doing exactly the same work as teachers in district board vernacular schools, but it is necessary that they should be picked men. As things are at present their prospects are not so good as those of the men serving under district boards, and so it is necessary to make a provision in the budget to remove what is considered in the department by these men a grievance. With a staff which is numerically insufficient and somewhat discontented the work of training teachers must inevitably suffer. Then there is another small but interesting item, which would prove very beneficial, of Rs. 1,250 for lighting normal schools. The teachers in training at normal schools at present have to provide their own lamps and oil. These young men are very poor and exceedingly industrious, and their practice is to work up to very late hours, and I fear that in many cases injury might be done thereby to the eyesight of prospective teachers. This sum will enable the department to provide them with necessary lighting and, what is of almost equal importance, to regulate their hours of study. Last year I dwelt at some length upon the industrial schools and explained the way in which they were being equipped and organized. This year it will not be necessary to say much in regard to any of them. The experimental weaving station at Benares is still very much in the experimental stage. A small increase in the budget has been made to provide it with scholarships. It has been found that it is necessary to compensate the parents for the loss of wages while their sons are reading in the schools, and so a small provision is made to give scholarships to the sons of weavers. While upon the subject of weaving, I should like to take this opportunity of gratefully acknowledging the generous presentation of spinning machinery to the Roorkee Engineering College, technological department, by Messrs Law Bros and Messrs Howard and Bullough—two English firms, who have kindly made this present of valuable machinery. I should also in this connection like to mention the name of Mr. S. Johnson of Cawnpore, to whose kindly thought the gift is largely due, since it was through him that it was secured.

For the carpentry school at Bareilly a sum of Rs 3,860 has been provided for increase in the staff. In view of the steady growth of this very promising institution, it is now advisable to give it a staff more nearly corresponding to that which the Industrial Conference of 1907 proposed. Also a sum of Rs 13,800 is provided for the much-needed additional accommodation.

At the Industrial school, Lucknow, a new subject will be added, namely, electric wiring, and provision has been made in the budget for entertaining an inspector and also for an extra teacher for the ordinary subjects.

Aided institutions have as usual, received generous treatment at the hands of the Local Government. Rs 20,113 recurring is provided for increasing their grants and giving new grants to institutions which will come for the first time upon the grants-in-aid list. There is also a provision of Rs 85,792 for building grants for aided schools. My friend the Hon'ble Babu Ganga Prasad Varma will be pleased to notice that this sum includes Rs. 25,000 for the Kali Charan high school. For the active part which he has played in bringing into existence this much-needed

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institution, the department of public instruction as well as the public of Lucknow owe him a deep debt of gratitude. But I should, however, mention in this connection that the statement which he has recently made in his paper that Government has not hitherto allowed aided schools to spend less than Rs 75,000 upon the erection of buildings was made under some misapprehension. It is not, and never has been, the policy to force aided institutions to adopt the standard plan which Government drew up for its own first grade model schools. Aided schools have always been free to propose their own plans, and no standard of cost has ever been laid down for them.

"Vernacular education is outside the budget of the educational department, but the department has notwithstanding a good deal to say in the distribution of grants given for the purpose by the Local Government and by the Government of India. This brings me to the all important subject of the grant from the Government of India. On page 11 of the Hon'ble Mr Pim's financial statement the way in which the grant of Rs 4,50,000 during 1912-13 has been spent is shown. It will therefore not be necessary for me to repeat these items. I may only mention in this connection that over 500 new schools have already been started. During 1913-14 the Government of India's recurring grant of 7 lakhs out of the 50 lakhs grant for education announced by His Majesty the King at Delhi will be available in full and the Government of India have given a further sum of Rs. 20,000 recurring out of the reserve which it had temporarily retained. The Council was told last year of the proportions in which the grant of 7 lakhs would be allotted for various objects, so that it will not be necessary for me to go into details. Rs. 80,000 will be given to municipalities, as announced by the Hon'ble Mr Pim, for extending facilities for primary education, and the balance of the amount still available will be used mainly for training primary school teachers, and a further grant of Rs. 20,000, which I mentioned just now, will be also used for the same purpose. A year or two ago when speaking of the lack of primary schools, I said:—'The hungry sheep look up and are not fed.' Since then we have gained 80,000 new scholars, and the recent epoch-making resolution of the Government of India gives us great hope that rapid extensions will be made in affording facilities for primary education. Henceforth then the chief anxiety would be to provide shepherds for the sheep. We cannot safely make them over to those 'that scarce themselves know how to hold a sheep-hook, or have learn'd aught else the least that to the faithful herdman's art belongs.' Therefore it is only right and proper that along with the extension of schools should proceed also *pari passu* the extension of training schools for primary school teachers. Altogether provision has been made in the budget for 101 new training schools. The increase in the number of scholars in the existing schools has been during the past year very gratifying, and the way in which scholars have been flocking into the new schools created out of the grant of Rs 4,50,000 has shown that there is a very real demand among the agricultural population for primary education. But if this demand is to be properly met, it will not be sufficient merely to provide schools and to pay better salaries. It will also be equally necessary to train the teachers for the schools.

"One or two other items with regard to the grant from the Government of India deserve a few remarks. Rs. 45,000 recurring has been given by the Government of India for encouraging post-graduate teaching at the university, and the syndicate has already sent in its proposal for utilizing the money in the initiation of a scheme for concentrating higher teaching at its head quarters and for the university imparting that higher teaching itself.

"Aided schools have received during the past year a veritable shower of gold from the Government of India. Rs. 60,000 recurring has been distributed among them for the increase in the pay of teachers and for providing new teachers. Rs. 3,80,000 is

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about to be distributed among them for improving accommodation, and in next year's budget they will receive Rs. 1,51,600 for the improvement of hostels and for building new hostels. In addition to this Rs. 1,75,000 out of the Government of India non-recurring grant of 3½ lakhs will be available for hostels in colleges and aided schools, and Rs. 50,000 out of the allotment of Rs. 74,000 from the 7 lakhs will be available at first for building hostels and eventually for maintaining them. Thus it will be seen that practically every school and college in these provinces which wishes to add to its hostel accommodation or to provide new hostels will be or has been assisted to do so.

"In conclusion I may invite the attention of the Council to a sentence on page 4 of the Hon'ble Mr. Pim's revised financial statement. It reads—'The Government of India have made a further lump addition of Rs. 20,50,000, but no details are yet known with reference to this.' We do not yet know the conditions on which this sum of money has been given, but I may tell the Council that a programme of expansion has already been prepared locally which for its complete realization would require a far larger sum. Nevertheless, we have every reason to be very grateful to the Government of India for the proportionate amount which they have given to the province out of the funds at their disposal. Incidentally I may mention that the remark made by the honourable member for education in reply to the Hon'ble Rai Sri Ram Bahadur's request for an extra 12 lakhs, that the Government of India was struck by the fact that we have been unable to spend the grants, must have been based upon some incomplete information. We have had no difficulty in spending the grants which the Government of India have given to us except in the case of female education, and there the balance that remains over is small. As the Council knows, in the matter of female education progress must inevitably be slow owing to the very great difficulty in obtaining teachers. So that I hope the Government of India will not be anxious about the money which it is able to give to us. Our needs are so large and so insistent that we should be glad to spend with advantage any sum which the Government of India can possibly afford to give us."

The Hon'ble DR. TEJ BAHADUR SAPRÚ moved—'that the allotment to education for 1913-14 be raised by Rs. 1,00,000 for the opening of 600 additional primary schools, and that the allotment to police be reduced by that amount.'

He said—'In moving the resolution which stands against my name, I am afraid I shall soon be reminded by my honourable colleague, the Inspector-General of Police, that I am attempting to rob Peter to pay Paul. For my part, I disavow any such criminal propensities. I am fully prepared to admit, and admit quite frankly, the great social usefulness of Peter, but at the same time I think that Paul is in the long run a very much more useful person, and you may expect him to do much better service—even to Peter himself—if you give him rations on a somewhat more liberal scale.'

"Progress, Sir, we are told, is in the air, but there is nothing in the progress of which I am more deeply interested than that of education in general and primary education in particular. Time was—and it was not very long ago—when it was permissible for some of us who could not stand the glare of literacy, to seriously discuss whether it was after all desirable to have such a thing as elementary education in India. I could even then appreciate, if not sympathise with those who thought that one immediate evil effect of such education would be that life in the hot weather would become intolerable—for, we could not then hope to get a sufficiently cheap supply of punkah coolies. Fortunately for us the subject is no longer one of a controversial character, for, in their recent resolution on education the Government of India say 'that the propositions that illiteracy must be broken

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down, and that primary education has in the present circumstances of India, a predominant claim upon the public funds represent an accepted policy no longer open to discussion.' I need scarcely say that it is a most reassuring statement by the Government of India, and plainer language it is difficult to conceive. But even if the Government of India had not made this timely pronouncement, there was one circumstance in these provinces to inspire us with confidence and to encourage us to look forward to the future hopefully. I allude, Sir, to the remarkably sympathetic and encouraging attitude of the Hon'ble Mr. de la Fosse. In December last, I had the pleasure of reading in the *Leader* a letter to inspectors in this connection over his signature. My feeling then was—as it is now—one of great admiration for him, and I am sure that I am expressing the sentiment of my educated countrymen when I say that they very much appreciate his keen interest in the cause of primary education and are sincerely beholden to him.

"His speech to-day has if anything further strengthened me in my impression that his heart is in the cause of education. But, Sir, even Mr. de la Fosse cannot make bricks without straw. Money more money—that has been his cry and that is the cry of us all. I should, however, be wanting in gratitude both to the Government of India and to this Government if I failed to acknowledge the efforts which have so far been made in behalf of primary education—but I should be equally wanting in sincerity if I failed or omitted to tell you that we expect the Government to do more—and to move more rapidly in this direction. I do not think it is open to doubt that in the matter of primary education we cut a very sorry figure when you remember the state of things in other major provinces. In point of population, we far exceed Madras, Bombay, the Punjab, Burma and the Central Provinces, and are just a little short of Bengal, as it was until the reunion of East Bengal and the separation of Bihar. And yet how do we stand? The following figures for 1911-12, taken from the Gazette of India, dated March 8th, 1913, tell their own tale —

| Province | Number of primary schools | Number of scholars. |
|------------------------------------|---------------------------|---------------------|
| (1) Madras .. | 24,044 | 829,881 |
| (2) Bombay .. | 11,609 | 680,427 |
| (3) Bengal .. | 86,842 | 1,047,769 |
| (4) East Bengal and Assam .. | 17,728 | 672,886 |
| (5) United Provinces .. | 9,268 | 470,968 |
| (6) The Punjab .. | 3,417 | 179,410 |
| (7) Burma .. | 4,764 | 126,552 |
| (8) Central Provinces and Berar .. | 8,195 | 228,265 |
| (9) N-W Frontier .. | 260 | 14,129 |

"That is to say, out of the total male population of school-going age, you have 30.8 per cent. in Madras, 33.6 in Bombay, 33.2 in Bengal, 33.1 in East Bengal and Assam, 15.1 in the United Provinces, 16.9 in the Punjab, 20.9 in Burma, 24.2 in the Central Provinces and Berar and 13.1 in the North-West Frontier Provinces, reading in primary schools

"Again in 1906-7, according to Mr. Orange's Quinquennial Review, the average number of towns and villages served by a primary school for boys was 2.6 in Madras, 4.3 in Bombay, 4.4 in Bengal, 10.4 in the Punjab, 12.2 in Burma and 11.1 in the United Provinces, while the general average in India was 5.7. I do not think there has been any very material change in these figures since. This being the state of things, and the necessity for the further development of elementary education being conceded, what steps are you going to take to push it further? I find that out of the grants received from the Government of India for expenditure on education, in the current year, 527 new primary schools for boys

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were to be opened at a cost of Rs 52,510, while vernacular primary schools for boys which were closed for lack of funds were also to be reopened at a cost of Rs 67,751. I note, however, with regret that no indication has been given in the financial statement as to the number of primary schools which the Government propose to open in the ensuing year, though I note with satisfaction that a sum of Rs 79,000 is provided for new vernacular primary boys' schools, and another sum of Rs 46,000 for reopening the primary schools for boys which were closed by district boards for lack of funds.

"Sir Harcourt Butler has told us recently that the Government propose to open 91,000 more schools in the country, but we have yet to know how many out of these schools will be opened in these provinces, and during what period. I am therefore asking for a further grant of one lac from the Provincial Revenues which at the rate of Rs 150 per school—the basis adopted in 1912-13—will enable over 600 such schools to be reopened in addition to those for which provision has been made out of the special grants. I am aware also that in his speech on the Indian budget Mr. Montagu suggested an annual expenditure of £ 25 per school. Even on that basis you can have nearly 800 more schools by allowing the further sum I am asking for. I know, Sir, that the Government of India have made a special recurring [and non-recurring grant again for education, and I hope and trust] that the local Government will make the fullest and best use of that money. But the Finance Member has already warned us that we cannot depend upon a repetition of such bounties in years to come. I submit, Sir, that we cannot and ought not to make the further progress of primary education to depend mainly upon happy windfalls from Delhi, which must from the nature of things be uncertain and uneven. I think the time has come when we ought definitely to recognise the necessity for making steadily growing provision for the expansion of primary education out of our normal provincial revenues.

"I am prepared to be told that it is no use having more schools without a supply of competent teachers and that 'the dissemination of spurious literacy' is not desirable. While I fully recognise the value of competent teachers, I think, Sir, that in the peculiar circumstances of the country, the expansion of primary education ought not to be deferred or delayed until the ideal type of teacher is forthcoming. There will always be room for improvement, and you cannot at once attain to the perfect. We must, to begin with, put up with such imperfections and deficiencies as are unavoidable in the initial stages of a great undertaking.

"The provinces which are ahead of us did not reach their present state of efficiency at once—nor did they wait for the competent teacher to make his appearance before starting the schools. I think, Sir, the line of Pope—a little learning is a dangerous thing—should not be interpreted too literally, especially when what we want for the mass of our people is at least a little learning as better than none at all. By all means strive after efficiency—and as much of it as you like—but do not let the desire for efficiency paralyse action. I would much rather go content with moderately good schools than wait for them until it is possible to realise our high ideal of efficiency. In any case the argument of efficiency is not an argument which is sufficient to dispose of my contention, for, in making use of the special grants by the Government of India, you will have to face the same difficulty. Surely, you will not tell the Government of India that you will not apply the money to the establishment of more schools until you have grown up a sufficiently large number of competent teachers.

"If you want more efficient teachers, have more training schools. In 1911-12 you had, I believe, 116 training schools, and 1,121 scholars in them. In course of time you may have more of such schools and scholars, and now that the Government

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of India have expressed their intention to increase the emoluments of such teachers, I have no doubt that more men will offer themselves for this career. But, how are you getting on at present? In 1911-12 you had in primary schools 10,926 untrained teachers and 5,002 trained teachers, but the schools have gone on alike with both. No doubt, as you will get more trained men, the number of the untrained men will go down in course of time, but all that I say is that our progress towards the expansion of schools should not be postponed to the creation of a body of trained teachers sufficiently numerous for our purposes—and that our progress in one direction may be concurrent with that in the other.

“Next, perhaps, I shall be confronted with the difficulty about school buildings. I am quite alive to the advantages of having good, healthy and roomy buildings for such schools, but, here, again, I am afraid, the brick-and-mortar aspect of the question is apt to be somewhat exaggerated. Speaking of school-buildings in Japan, Mr. Sharpe says that ‘if the Japanese seem to have plenty of money to spend on education, the explanation lies partly in the economy they practise in the matter of salaries and buildings. No money is wasted on architectural splendour, least of all in the case of primary schools. These unpretending wooden structures, sometimes with glazed windows, sometimes with paper-covered slides, often look neat enough when new; but when the wood grows weather-beaten, and the paper-windows tattered, the school is apt to appear rather dingy and forlorn.’ Nor less apposite are the remarks on this subject of Sir Frederick Lely ‘A step which would at once set free,’ says Sir Frederick, ‘a useful sum for education proper would be to abandon once for all the system under which Government takes upon itself through its Public Works department to build standard school houses. It will never be possible to supply every village with one, and a very good thing too, for there is no sound sense in erecting for the children’s school a building so much more pretentious than the houses in which the parents live, in which they themselves were born, and marry, and live and die.’ I am content to leave the first part of my resolution there. As regards the reduction of one lac from the allotment to police, the first thing, Sir, to which I shall invite your attention is that the estimate of police expenditure in 1913-14 comes up to Rs. 1,24,10,000 as against the revised estimates of Rs. 1,09,69,000 in 1912-13, Rs. 1,10,43,000 in 1911-12, (actuals) Rs. 1,04,00,000 in 1910-11, Rs. 1,02,78,000 in 1909-10, and Rs. 1,00,95,000 in 1908-9. I am aware, Sir, that the allotment for the next year includes the sum of Rs. 11,02,000 especially granted by the Government of India in connection with the scheme for the remission of appropriations from local cesses. Deducting this from the total allotment, we have a balance of Rs. 1,13,08,000 representing the figure of police expenditure in the next year as against Rs. 1,10,43,000 of 1911-12, or in other words, an increase of Rs. 2,65,000 upon the figures of 1911-12, or more if we take into account the figures of 1912-13. I am aware that much of this increased expenditure has been necessitated by the introduction in recent years of certain reforms in the department in pursuance of the recommendations of the Police Commission. I shall, perhaps, be reminded that the money so spent has not been ill-spent, for it has led to a general improvement in the tone of the police and that its efficiency stands on a higher level to-day than it did a few years ago. Well, while I am prepared to admit that there has been, on the whole, a change for the better during recent years, in the tone and methods of the police in these provinces, it is still open to doubt whether you can safely measure or wholly explain that change by the additional amount of money that you have been spending in that direction. But I grant that you want more money now for the police than you did ten years ago. Still, the question remains how far are you prepared to go to meet that demand consistently with and without detriment to other interests, not less pressing—and perhaps in some respects more important. Are you to moderate

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your pace in one direction, and move more briskly in another, or to put it otherwise, what is the fair and equitable basis of distribution that you are to adopt, when you have to take into consideration conflicting claims. That is the real question I should like to submit for the consideration of this honourable Council. I do not quarrel with the demand for more money on the part of the Inspector-General, I am only asking him to part with a lakh in favour of education. I am sure it will be as much to his interests as to those of education generally, if he will agree to my proposition. For I may remind him that in the matter of illiteracy the Police of these Provinces also keeps up the unenviable reputation of our Provinces. The following extract which I quote from the statistics of British India, Part VI, will afford food for reflection, shall I say—to both the Inspector-General of Police and the Director of Public Instruction.

‘As regards education, over half the men (in Police), in British India can read and write. In this respect the United Provinces and North-West Frontier Province are far worse off than any other province, for the number of men who can read and write is only 26 and 25 per cent of the total actual strength of men in 1910. In Madras, on the other hand, about 90 per cent of men can read and write. The percentages in the other principal provinces are as follows—

| | | |
|-----------------------------|----|----|
| Burma | .. | 83 |
| Central Provinces and Berar | . | 57 |
| Bombay | .. | 53 |
| Bengal | .. | 45 |
| Eastern Bengal and Assam | .. | 39 |
| Punjab | .. | 34 |

“I shall perhaps be asked to say what economies I am prepared to suggest. I need scarcely remind you, Sir, of the delicate position of a non-official member. He is not in the department, and the details of the machinery can only be known to those who have to handle it. The relative importance of one item as against another can only be judged by those who have a direct knowledge of the department, and it would be dangerous for me to tread upon this ground. Of one thing, however, I feel assured and it is this that the Inspector-General of Police has the will to economise his resources, and that his great administrative talents, added to his intimate mastery of the details, will enable him to find the way. If I did not consider it dangerous for an outsider to make suggestions for revising certain items, by way of illustration only, I might have drawn his attention to such items as secret service money, hill allowances, or the fairly big item provided in connection with the scheme for the more effectual registration of criminal tribes. But I refrain, for I can only press the principle and not the details. These, I submit, Sir, are some of the considerations which I beg to place before you and in doing so, I have been encouraged by the belief that your Honour and your Government are in thorough sympathy with the cause of primary education. The demand that I am making is so useful, necessary and urgent and the slice that I am seeking to carve out of the grant to the Police is so inconsiderable that I hope that this proposition will be so fortunate as to receive the support of this honourable Council and your Honour's Government.”

The Hon'ble RAI BISHAMBHAR NATH BAHADUR said.—

“I am glad to support the resolution moved by my honourable friend Dr Tej Bahadur Sapru. A further allotment of a lakh of rupees to education for the opening of 600 additional primary schools is by no means unreasonable. I thank you, Sir, for the increased allotment under the head of education in the budget estimate for the year 1913-14. But I wish the Government could see its way to come up to the same level with other provinces in this respect. I find that the amount proposed to be spent on education in Madras is Rs. 97,63,000, in Bombay Rs. 95,25,000,

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in Bengal Rs 1,84,88,000, but in these provinces the amount is only Rs. 76,75,000. Sir, the population of the United Provinces is greater than that of those provinces and in addition our people are very backward. It is necessary therefore all the more that our expenditure on education should be comparatively higher. Contrasting the figures under the head of education with those under police, the amount we propose to spend on the latter head in the year 1913-14 is greater than the amount proposed to be spent in other provinces. Madras is going to spend about Rs 87,46,000, Bombay Rs 1,01,56,000, Bengal Rs. 95,82,000, but the United Provinces Rs 1,24,10,000. I agree, therefore, with my honourable friend Dr Tej Bahadur Sapru in proposing that 1 lakh be taken out from the police budget and the amount be spent for the opening of additional primary schools. Sir, the increase in the expenditure is consonant with the memorable words so graciously uttered by His Majesty still ringing in our ears, and in the policy to which the Government of India has expressly committed itself. I am confident that the more we spend on education, the less we shall be required to spend on police, for on the advancement of education depends the peace and prosperity of our people. Therefore I heartily support the resolution, which I hope will meet with Your Honour's acceptance."

The Hon'ble LALA SUKHBIR SINGH said —

"This resolution consists of two parts. The first is for the allotment of more money for primary education. About this my friend the honourable mover, Dr Tej Bahadur Sapru, has said enough, and most convincingly, to induce this honourable Council to recommend that more money be spent on education.

"As to the second part of the resolution, namely the head from which this money should be drawn, it has been suggested that the police charges should be curtailed by one lakh for this purpose. Looking to the amounts spent on the police in other provinces, it will be found that the amount spent here is comparatively more, while, having regard to the peacefulness and loyalty of the people of these provinces, it ought to be comparatively less. The Police Department now consumes about Rs 1,24,00,000 or about one fifth of the total revenue of the provinces, while on education only about 77 lakhs are spent. It is a fair claim to urge on Your Honour's attention, as well as on that of our able Inspector-General of Police, the Hon'ble Mr. Straight, to see that the charges for police are no longer allowed to increase and that an attempt is made to reduce them as much as is consistent with a good administration. Therefore, Sir, I beg to support this resolution in the hope that by means of economy the police budget may, if possible, be reduced without any deterioration in the administration of the department, or at any rate the money may be found from some other department."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN said —

"I fear there is as little chance of this resolution being passed as of the peace conference effecting the reduction of the armaments of the European states. But at the same time, as Lord Tennyson said, 'It is better to have loved and lost than never to have loved at all.' It is better to try your utmost for any great movement and I think that even if the honourable mover and his supporters and the educated body of Indians and Europeans may fail this year, they may next year succeed in increasing the amount of the educational budget. I wish it to be recognized that the honourable mover of the resolution and those who supported it have no desire to minimise the importance of the police, because in every civilised country the police are the great promoters and defenders of law-abiding persons. But I think it is not really too much to ask in a budget of more than a crore for a reduction of one lakh. It was only one per cent. The police prevented crime after it was committed while the schoolmasters prevented it before it was committed or even contemplated. It must be admitted by every person who has studied the history of

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[Khawaja Ghulam-us-Saqlam, Sanyid Raza Ali]

England that since the introduction of popular and general education crime has steadily diminished and so there was no reason why it should not diminish in India as well. There are two considerations with regard to this question. The first is that if popular education is increased we shall educate our real rulers. For many years the real rulers of this country must be the constable and the tahsil peon. These are the persons with whom the people daily come in contact, because out of the 48 million people in these provinces 40 million have nothing to do with the higher officials. They deal directly with the constable and sub-inspector, the amla and the tahsil peon. Consequently if we educate the constable and the tahsil peon we lay the foundation of the future progress of the country. Further, the various Councils, the imperial and the provincial, are made up mostly of persons who are sent by the district and municipal boards which are elected by the people. Perhaps I am not wrong in saying that according to the latest census the number of literates in these provinces was 5 per cent of the total population. Indirectly they were our subordinate rulers, and we must try to educate them. The education budget never erred on the side of immoderation, but in this respect I am not so narrow minded as to lay the whole blame upon the Government. The people and the public were also to blame. I notice that Rs 7,40,000 were provided for secondary education and I find, so far as I can make out, that only Rs 50,000 is provided for primary education. These 7 lakhs for education are intended to educate a population of 48 millions. According to the average, 15 per cent. of these must be of the school-going age, which comes to 72 lakhs. Thus for 72 lakhs of persons we have a budget of 7 lakhs, that is, for 10 persons one rupee was allotted for secondary education. Further, I find that in the new arrangements that had been made by the department of education, and in speaking of the department of education I wish to express my admiration for the speech and action of the Hon'ble Mr de la Fosse, I see that the new rules that had been made by the department restricted the number of pupils in schools. The result has been that while there has been a general desire for secondary education and the number of scholars was increasing, the accommodation was stationary and the number of teachers was almost stationary. I thought it was no exaggeration to say that now-a-days entrance into school in the larger towns was as difficult as entrance into Government service.

"Now as regards primary education, as the honourable mover has suggested, the united voice of the educated Indians should be raised in its support, and I believe that the sympathetic attitude of the Director of Public Instruction and of His Honour towards those who were after all the great asset, the real force that paid the whole revenue and kept our bodies and souls together will in the long run make for success in increasing the budget allotment for popular education. If this motion had been made in any other country the citizens and the journalists would be surprised at the extreme moderation of the resolution. Here is a population of 48 millions of people and for their education only a petty additional sum of about £ 7,000 is asked and there seems to be great difficulty in finding that money. With these words I support the motion."

The Hon'ble SANYID RAZA ALI said :—

"I rise to give my unqualified and whole-hearted support to the resolution that has been moved this afternoon in the Council by my friend Dr Tej Bahadur Sapru. I believe, Sir, it is too late in the day to dwell on the blessings of primary and female education. All of us, I believe, are agreed on the point and to me it seems that it is a question of absolute necessity. Our labourers want it. Our agriculturists want it. Our labourers cannot work the European machinery. As to our agriculturists, I do not think they can usefully pursue their avocation and use modern implements of husbandry without their being taught. That being the

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case, I submit, Sir, that, whatever may be the other differences of opinion between the educated classes and the Government, I take it there is absolutely no difference of opinion on the subject of primary education. Well, I take it that the Government is quite as anxious as are the educated classes to push forward education amongst the mass of the people. That being the case I am here to support the motion. While I explain my position I might confess that I am also guided by selfish motives in coming forward here to support the resolution of my friend the honourable Dr. Tej Bahadur Sapru and the selfishness comes in this way—I belong to a division the people of which are very backward in education—I mean Rohilkhand. I believe 600 new schools are going to be opened this year. I hope the share of my division will be something, if not more than 50. Well, that being the case I support the case of my friend all the more heartily.”

The Hon'ble MUNSHI NARSINGH PRASAD said —

“I beg to accord my hearty support to the resolution that the Hon'ble Dr. Tej Bahadur Sapru has moved just now. I am, however, not in a position to enter at any length into the discussion of this important resolution because I was given notice of this resolution only when I came into the Council Hall to-day. But, as I think that the claims of primary education on the provincial revenues are very great and the great mass of the people is steeped in ignorance and illiteracy and that any amount of money spent on primary education is not ill-spent, I think it is my duty to express my sympathy with the principles of the resolution—not because the police should not be provided for, but because we should first feed the famished and then give the remainder, if any, to the ill-fed. In some of my previous budget speeches I invited the attention of this Council to the enormous expenditure that the Government had been incurring of late on the police and gave figures to show how we were at the head of most of the other provinces in the matter of police expenditure and how backward we were in comparison with other provinces in the matter of education. I do not wish to go into these figures again at the present moment because the honourable mover has at great length quoted those figures. But, considering the comparative importance of the two subjects, it is apparent that the present backwardness of our provinces in education demands more allotment on education so as to bring our provinces on a level with the more advanced sister provinces of the country. The people are crying for more and more education, and not for more and more police, and I hope, Sir, that that cry will not be a cry in the wilderness, but that Your Honour will be pleased to listen to that cry and to pacify the people as far as is possible.”

The Hon'ble RAI GOKUL PRASAD BAHADUR said —

“I rise to support the resolution so ably moved by my honourable friend Dr. Tej Bahadur Sapru. That more funds are required for primary education no one can gainsay. That is beyond dispute. The question is where are the additional funds to come from. I am not an expert in understanding the intricacies of figures in the budget, but from the statements of facts and figures by the honourable mover and others who followed him, it appears that there is in the budget an additional provision of over two lakhs to the police compared to the amount spent on it last year. Under these circumstances I consider that a sum of a lakh of rupees can be well taken from the police budget, which amounts to over a crore of rupees and spent on primary education. With these few remarks I support the resolution.”

The Hon'ble MR. SHAHID HUSAIN said —

“I regret very much that as the resolution stands I am unable to support it. I have expressed myself in the Council very plainly in the last year's Budget debate as to the importance of primary education and also that we should do the best

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[Mr Pim, Dr Sundar Lal.]

that lies in our power as far as our finances permit to assist the increase in the number of primary schools, and I am sure that this spirit is not only our own, but is equally shared by the Government. I take it that this is what is unanimously held both among officials and non officials. But when we come to the question of practical politics, where is the money to come from? If there is money, I am sure that the Government will do its utmost to increase the number of primary schools. But as the resolution stands it has been suggested that there is a sum of money that is to be unnecessarily spent on the police. I regret that I am unable to agree with that view. The honourable proposer himself has admitted just now that the head of the department is particularly keen where economy is concerned. It follows that whatever items have been put in have been put in after careful consideration. And if they have been put in after careful consideration, it appears to me to be very difficult that any amount should be curtailed. Personally I think more money will be required, if we are to get a better class of officers for investigation. The class of officers who work in the Criminal Investigation Department and whose services will be required more and more frequently will certainly require more pay and money will have to be found some time later on. I do not think, Sir, that the police department is a very well paid department or a department that can easily save money. Other sources may be found, but I do not think that we should always, without going into the details, without considering the matter as regards the items that have been mentioned take the easiest course, and take the money from the department with the largest budget. I submit that I am against the resolution as it stands."

The Hon'ble MR. PIM said —

"Before the educational side of this resolution is dealt with I may briefly explain that the figures which appear to show an increase of Rs 2,00,000 in the police budget are misleading. The Hon'ble Dr Tej Bahadur Sapru has perhaps made a mistake. In the first place he took the revised estimates for this year compared with the budget estimate for the next year. But the reason why the revised estimate for this year is so much below the original budget estimate is simply because the grant which was made by the Government of India to the Police budget for the payment of Act XX towns has not been spent. It was not possible to spend it because the new Act has not yet been passed and therefore the expenditure on the police could not be made a provincial charge. The comparison is not a fair one to make between the revised estimate and the budget estimate for the next year. The comparison must be made between the 2 budgets of the same year. The actual figures are that the increase in police charges is Rs 91,000 but that Rs. 91,000 is an entirely non-recurring charge. The actual recurring charges of the police as compared with the previous years' is a small reduction of, I think, Rs 10,000."

The Hon'ble DR SUNDAR LAL said —

"I have much pleasure in supporting the resolution which has so ably been moved by the Hon'ble Dr Tej Bahadur Sapru, and I may say at once, that I am in full sympathy with its object and accept entirely the principle upon which it is based. The necessity for more education on every side, and specially of the extension of primary education among the masses admits of no doubt whatever and requires very few words indeed to commend itself to the Council. It has been conceded fully in what has been rightly styled by one of the speakers as the recent epoch-making despatch of the Hon'ble Sir Harcourt Butler. Indeed the grant of the sum of rupees fifty lakhs a year for education announced by the gracious lips of His Imperial Majesty at the Corona-

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[*Dr. Sundar Lal, Rai Ganga Prasad Varma Bahadur.*]

tion Daibai on the 12th of December of the year before last, was one of the most precious, and one of the most popular, of the boons granted on that auspicious day, and the great importance of the subject of popular education was fully recognized in this announcement, being one of the several that were made from the august lips of our Gracious Sovereign himself on that historic occasion.

"That without more education among the masses, the many schemes of sanitary and economic reforms, which the Government has been trying to push forward, cannot very well succeed, must be admitted on all hands. The expansion of the movement for the establishment of co-operative banks in the country, the dissemination of the knowledge necessary to counteract the effects of outbreaks of malaria, and many like measures, which can be accomplished only with co-operation of the people, depend a great deal upon education. It is no use publishing pamphlets, leaflets and instructions in thousands, until there are people to read them. I have therefore no hesitation whatever in giving the resolution my whole-hearted support. In doing so, however, I do not in the least overlook the importance of the great department over which the Hon'ble Mr. Straight so ably presides. I do not wish to rob Peter to pay Paul. I wish them both to be happy, and to get what they require. I take the resolution as indicative only of the view that more has to be done to push forward primary education than what the Government has been able to do till now and to emphasize the necessity of allotting a larger amount for this branch of public education. I am aware and recognize fully that a great deal has been done by the Government in recent times to improve and expand the education of the people, and I do not wish to strike a discordant note to what has been said by the Hon'ble Mr. De la Fosse to-day in enumerating the many measures of educational reforms and extension which are being carried out under his very very able, energetic and sympathetic control as the head of his department. I have had the privilege of being in close touch with the work of his department for many years, and I think we are not a little indebted to him for the vigour and wisdom which has characterized his efforts. While fully supporting the principle underlying this resolution, and wishing it every success, in view of the very sympathetic response that the appeal, I am sure, it is likely to receive at Your Honour's hands, I think my Hon'ble friend, Dr. Tej Bahadur Saptu, will see his way not to push his resolution to a vote. We have received many special grants for education from the Government of India in recent times, and we hope to have our share of their bounty in the coming year, and for many years to come. With this expression of our opinion, I think we can and ought confidently to leave the matter in Your Honour's hands, you will undoubtedly do what you can to carry out the views that have been given expression to to-day. Our provinces have been backward in education. Much no doubt has been done by your able predecessors in office, for which we are very much indebted, to recover the ground that we have lost. We hope and trust that under your able and sympathetic guidance we shall not be found lagging very much behind."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said —

"I do not know whether I should make any suggestion after the explanation given by the Hon'ble Mr. Pim about the figures of the police department. I would suggest that the latter part of the Hon'ble Dr. Saptu's resolution might so far be amended that the reduction be made from the non-recurring expenditure in the public works department budget. I hope that the Hon'ble Mr. Wood will not mind deferring the construction of one or two bridges for another 12 months or till such time as we are able to get more money from the Government of India. I do not want to add anything to the remarks already made by so many honourable members. But every one of us is unanimous that we need more primary schools, and a

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[*Babu Brijnandan Prasad ; Munshi Mahadeo Prasad ; Pandit Moti Lal Nehru ; Sayid Abdur Rauf.*]

sum of a lakh of rupees should be provided for the opening of new primary schools. Of course, we have, according to the terms of the Rules, to find some means by which we have to show that a certain allotment can be raised by reducing a certain allotment of the other department, and this was the object of the mover of this resolution to deprive the police department. If the police department cannot afford it, then I look to the public works department to provide this money."

The Hon'ble BABU BRIJNANDAN PRASAD said —

'After the important speeches that have been made on this resolution, I do not think it is necessary for me to make a long speech.* Last year, when the budget discussion was taking place, I drew the attention of the Council to the increasing expenditure on police. This year I find that the police has not gone much down but has increased by Rs 91,000, though it is non-recurring. The taking of one lakh might be felt by the police as robbing their department, but I think in the end it will come as a double blessing. The increase on education will improve the general state of the feeling and will lead to fewer crimes. The other blessing will be that the police will have better men in its service and on these grounds, I support the resolution."

The Hon'ble MUNSHI MAHADEO PRASAD said —

"The resolution which has just been moved, as I understand it, means that primary education ought to form a primary charge on provincial revenues. The Hon'ble Mr. de la Fosse in his speech also laid stress on the fact that there are two sorts of grants, one from the provincial Government and the other from the imperial Government—one for maintenance and the other for improvements. I submit that on this score too the resolution of the Hon'ble Dr. Tej Bahadur be adopted. Further it is so ably put before the Council, supported by facts and figures, that I submit there can be no division of opinion and I further submit that the resolution may be adopted as put before this Council. One word, Sir, I would submit that there is a demand for primary education everywhere. Schools were opened and closed for want of funds and then again reopened, and I would submit that it is in the interests of the country that this resolution be accepted."

The Hon'ble PANDIT MOTI LAL NEHRU said —

"I will not detain the Council for any considerable time. I only wish to say that I support the resolution moved by the Hon'ble Dr. Sapru. I should have liked, without moving any amendment to the resolution, to follow the example of the Hon'ble Dr. Sundar Lal and the Hon'ble Babu Ganga Prasad Varma and to suggest that the money, which my friend the Hon'ble Dr. Sapru has asked, might come from some other source, and not from the police, but for a different reason. My reason is this that the Hon'ble Dr. Sapru wants to have a bite off the loaf that I have reserved for myself, and it is for this reason that I should have liked that the Government could find the money from some other department of the State. But the loaf is big enough for both of us, and even if it is not possible to take the money from a big budget like the police, then you ought to be able by economizing in different ways to save at least a couple of lakhs for such a necessary thing as the education of boys and girls. With these observations I support the resolution."

The Hon'ble SAYID ABDUR RAUF said —

"I have much pleasure in supporting the resolution which has been so ably proposed by the Hon'ble Dr. Tej Bahadur. Almost everything that can be said in support of the proposal has been said by the honourable members who have preceded me, but as Dr. Tej Bahadur has rendered a service to the cause of education in this country and has placed the entire Indian community under an obligation by inviting a discussion upon such an important subject, it will not be proper for me to sit silent and not to say even a few words in support of the proposal."

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[*Sayyid Abdur Rauf, Mr Burkitt*]

"There is hardly any difference of opinion on the point now that the question of primary education in this country possesses paramount importance. The Government of India as well as Your Honour's Government have admitted the need of education and have adopted a very liberal policy towards the demand of the people for more extensive education. But though a beginning has been made, a good deal has yet to be done. The provision in the budget for primary education is liberal enough so far as it goes, but having regard to the extensive population and the amount of ignorance that prevails, the money provided can hardly meet the want to any appreciable extent. Judging from the attitude of the Government, we can, I trust, legitimately entertain the hope that in future years it would be possible to make a still more liberal provision in the budget. Although no one can deny that by educating the masses widely and thus removing ignorance from the country, the number of crimes will be reduced and the task of the police will be made much lighter, I do not think that my honourable friend the mover will press the second part of his resolution in which he asks for a reduction in the police budget.

"With these few remarks I beg to support the resolution."

The Hon'ble Mr BURKITT said —

"The motion before the Council is for the transfer of a lakh of rupees from the allotment to police to that for education. The honourable mover did not say whether this allotment should be recurring. I, however, take it that this is the intention. I should not have referred to this matter except for the proposal made by another honourable member—that the necessary arrangements should be made by the transfer of non-recurring funds. I think the intention of the mover and the general tendency of the debate was well summed up by the Hon'ble Pandit Sundar Lal when he said that what is intended is to press on the Council the necessity for an increase in the provision for primary education. I do not think the mover or those who spoke in support of the motion attach any special value to the particular sum of a lakh of rupees or to the opening of the six hundred schools specified, but mention that sum and that number as a definite sum and number on which they could bring their opinion before this Council. I may safely say that, though I am unable to accept the resolution on behalf of Government, the principle it embodies commands the entire sympathy of the Government and that the Government is probably as fully awake to the necessity of an increased expenditure on primary education as any of the honourable members in this room. I need hardly refer to any proofs of this, but I may mention among other things the fact that in August last the Director of Public Instruction issued a circular calling upon his inspectors for a comprehensive working plan for the improvement and extension of primary education. I may also refer to the intention of Government to appoint a committee to further consider the principles which should govern this expansion. After the deliberations of this committee we will be able to embark on well thought out schemes. From a financial point of view I may make a reference to the large sums of money which have been and are being spent on this object. Last year for instance over three lakhs of extra expenditure was devoted to it and in the coming year and future years there is a recurring grant of Rs. 4,80,000, the whole of which has been earmarked for expenditure on this purpose. I find one of the honourable members referred to the item of Rs. 7,40,000 in the budget. That item is marked 22E. If he will turn to 22E, he will see that this has really nothing to do with primary education. The sums spent on primary education for the most part do not appear in this budget. They are in the district board budget. It seems to me the discussion has really worked down to this. In the circumstances of the case it is advisable to take a certain amount of money from Peter for the benefit of Paul, always assuming that Paul is a person to whom as much as possible should be given and that Peter should be confined to the barest necessities of life. No

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attempt has been made in the course of this discussion to show that the Police Peter whom it is intended to deprive of a lakh of rupees has anything more than the bare necessities. As far as I remember only one definite item of expenditure in the Police budget was referred to as superfluous and as one that could be cut down and that was the provision for criminal tribes. I must admit that I was somewhat surprised that this should be the item referred to because it, more than any other items in the police budget is of an educative nature. It is true that with regard to these tribes the object is not to give them a literary education, but to do what is more important, that is, to make them into decent law-abiding citizens. Stress was laid on the comparison between the statistics in this province and other provinces as regards literacy. It is an admitted fact that this province has lagged behind other provinces in this respect, but of late we have been doing our best, and it is hardly fair to base an argument on these statistics. Attention was also drawn to the comparatively larger amounts in the educational budgets of other provinces. I am always personally inclined to suspect comparisons which are based merely on statistics. The fact of the matter is that we are spending all the money we can possibly find for the purposes of education generally and out of this sum a due proportion is being given to primary education.

"As regards the 29½ lakhs referred to by the Hon'ble Mr. Pim, this sum is included in the district boards' budgets. Of course all of it will not be available for education, but I think I may safely say that at least a sum of a lakh and probably more will be available. The honourable member has consequently his lakh ready to his hand. In concluding my remarks, I may say that while fully sympathizing with the motives which inspired the resolution, I must under the circumstances of the case decline to accept it on behalf of the Government."

The Hon'ble DR. TEJ BAHADUR SAPRU said —

"On the whole I have reason to be satisfied with the reception which my resolution has met at the hands of the Council. Before I reply to some points which have been raised during the debate, I desire to give one personal explanation, and that with reference to the observations which have fallen from the lips of the Hon'ble Mr. Pim. I shall explain how I arrived at the figure Rs. 2,85,000. If I heard the Hon'ble Mr. Pim might he said that I have compared the figures for the next year with the revised estimate of the current year. That is not so. What I have done is this. I have compared the actuals of 1911-12 with the figures of the ensuing year and have subtracted the one from the other, the balance being Rs. 2,85,000, which represents the total increased provincial expenditure in the ensuing year. I deliberately refrained from comparing the current year's figures. That would have been more to my favour. Well, anyhow I am willing to make a personal confession that I am not strong in figures, and if I have committed a mistake in figures, I can assure the Hon'ble Mr. Pim and the Council that it must have been due to some misunderstanding on my part and not due to a desire to produce a wrong impression on the Government in this matter. With regard to some other speeches which have been made, I was not prepared for the opposition of my friend the Hon'ble Mr. Shahid Husain. When he stood up I thought that he was going to support me. In fact he commenced by doing so, but ended by opposing me. With regard to some suggestions which have been made by those gentlemen who have supported my resolution, I specially refer to the Hon'ble Dr. Sundar Lal, the Hon'ble Babu Ganga Prasad Varma, the Hon'ble Pandit Moti Lal, and I believe also the Hon'ble Mr. Abdur Rauf, they say that what I want is more money for education and therefore it matters little for my purposes whether I get it from the police or from the civil budget. I shall remind them of what I said at the end of my speech, that it is very dangerous for a non-official member to make a suggestion of that kind. I was anxiously waiting

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for some similar assurance on the part of the Government, but what I do find is this: that while I get sympathy (of which I have never had any doubt) I do not get more money, and the position remains as it was. With regard to the resolution itself, I desire to submit, Sir, that the main object of my moving the resolution was to give prominence to what I think should be the policy of the Government in dealing with this question. The Government should not adopt the attitude of beggars and always look up to the Government of India for gifts. What I wish the local Government to do is to make up its mind that it shall go on steadily increasing contributions in the allotment for primary education and that the provincial funds will be responsible for such increasing allotments. That was the main object of my resolution. With regard to the suggestion made by the Hon'ble Mr. Burkitt that the sum allotted for criminal tribes was really in the nature of an educative allotment, I am hardly prepared to accept the position that the policeman can ever be a good substitute for the school master. You might as well hand over the primary schools to the police department and say the constable will replace the school master. But I hardly think that it is sound argument. I must say that I am disappointed in not having got any definite and formal assurance with regard to the increase of money on the head of education from Government. On this occasion I should have pressed for a division, but I refrain from doing so, as I have a great regard for the judgement of the Hon'ble Dr. Sundar Lal, our Vice-Chancellor, in these matters."

The motion was therefore withdrawn.

HIS HONOUR THE PRESIDENT said—

"Gentlemen, I have only the fewest possible words to add to the lucid and convincing maiden speech in this Council of the Hon'ble Mr. Burkitt, on which I offer him my sincere congratulations. As the honourable gentleman said, the motion embodies a proposal for a definite transfer of funds, but I gather that the transfer of funds which has been suggested by the honourable member and the variants which have been proposed by the other gentlemen who followed him were meant only by way of formal compliance with the rule that governs the form of these resolutions. Apart from this formality, apart from the necessity of prescribing where extra funds are to come from, I gather that the substance of the debate, the essence and main spring of the feeling of all the gentlemen who have spoken is in favour of a quicker, a more vital development of elementary education—a development which should be greater and more rapid than Government has seen its way to provide for. For this stimulus, for this spur, for this expression of feeling, I have nothing but admiration and sympathy. But gentlemen, what you and I have to do here and what Government in particular has to consider is the practical aspect of the resolution which has been placed before the Council. Now the practical proposal here is that a lump addition of one lakh should be made to the already heavy provision that has been entered in the budget for education. And the question which we have to consider is whether this lump addition will be effective to carry out the purpose which instigated the speech of the mover and which lies close to the heart of the members who supported him. What we are asked to do is to add one lakh to the provision for education. That provision from provincial funds alone is represented in the coming year by 77 lakhs. It corresponds to the provision in last year of roughly 52 lakhs. We have thus already in a single year an addition of almost 50 per cent. I have no objection to adding a lakh and thus making 78 lakhs. But what is going to follow? In the first place shall we be able to spend the money? I have very grave doubts. We have to find buildings; we have to train teachers; we cannot rely on the mere theoretical capacity for expansion of the school-going population.

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"In the second place, as the Hon'ble Mr. Buikitt has pointed out, the honourable gentleman has got his lakh and perhaps much more. If he has patience till he sees the third edition of the budget, I have little doubt whatever that he will find that the total provision for primary schools will have risen as compared with what it now stands at by considerably more than a lakh.

"We have, as the Hon'ble Mr. Buikitt has shown, still to make large allotments from the provision which has been suddenly transferred to district boards.

"There is also hidden away in the estimates the figure of Rs 6,38,000 which the Government of India have been good enough to give us as a recurring provision from next year onwards. How much of that will go to primary education we are not in a position to say. But from the whole tenor of the Government of India's policy in the past and of the Hon'ble Sir Harcourt Butler's speeches we may feel sure that no insignificant share of the $6\frac{1}{2}$ lakhs will find its way into the primary education budget. That being so, we hope to have in the third edition of the budget something which will represent an addition to the provision for elementary education far in excess of that which the present motion requires.

"Gentlemen, we are all united in wanting more education and better education for the humbler classes. As I have said, the Government welcomes all stimuli, all spurs in this direction and resents no reasonable pressure. Government is as keen as honourable members in wishing to extend primary education. But it must study many problems and avoid many pitfalls. I am grateful that the honourable member has seen fit to withdraw his motion. It has enabled this most interesting subject to be ventilated in the most interesting manner, and I can assure you that the Government is with you in the laudable desire for the development of primary education. We are all in the forefront of the battle, and we are all moving on together to victory."

The Council was then adjourned to Friday the 14th March, 1913.

ALLAHABAD: }
The 13th March, 1913

W. K. PORTER,
Secretary, Legislative Council,
United Provinces.

*Revised Financial Statement of the United Provinces of
Agra and Oudh for 1913-14.*

1 The following note gives a general view of the financial position as provisionally accepted by the Government of India for the second edition of the budget for 1913-14. Members will find further details given in the appendix.

REVISED ESTIMATES OF 1912-13

2. The revised estimates for 1912-13 affect the budget estimates of 1913-14 because they determine the opening balance for that year.

The original budget provided for an income of 5,94,00, an expenditure of 6,13,34 and a closing balance of 72,17. A net assignment of 9,19 from Imperial to Provincial was assumed. The revised forecast anticipates an income of 7,02,21, including assignments of 96,89 from Imperial to Provincial, an expenditure of 6,18,93 and a closing balance of 1,71,63.

3. *Income*—On the income side I may begin with the important changes in Imperial assignments proposed by the Finance Member of the Imperial Council in his budget speech on March 1st. The changes under this head—which as Members know is included under the major head of Land Revenue—aggregate 87,70. Details with reference to a net addition of 5,95 will be found in the appendix. The balance of 81,75 includes the large non-recurring assignments of 27,50 for sanitation and 42,25 for education. It also includes 12,00 non-recurring, which is not earmarked for any special purpose but is in aid of general provincial resources. The detailed orders of the Government of India with reference to these grants have not yet been received, but further information on the subject will, I hope, be given to Members on March 13th. Apart from the liberal assistance thus rendered by the Government of India there is an improvement of 20,51 in provincial income under the ordinary heads. The last *rabi* harvest was a good one, and although the late arrival of the rains and then early cessation raised fears at one period of a widespread scarcity a most unusual fall of rain in November saved the situation except in some of the eastern districts and the year has been on the whole one of agricultural prosperity. While therefore the provincial share of land revenue receipts is 84 lower owing to suspensions and postponements in the eastern districts, the other heads of revenue which are directly responsive to agricultural prosperity show increases of 1,50 under Stamps, partly due to the large number of extra courts now sitting, and 6,00 under Excise. Forests, which are connected more immediately with the conditions of trade and general commercial activity, show an increase of 5,55, but part of this is due to special sales of trees killed by the drought of 1908 and to the new scheme of working of the Kumaun forests. Irrigation—Major works—Public Works department, is better by 3,83 owing to the irrigation of large areas for the *rabi* sowings, but this does not represent an increase to provincial resources as the net income from major works is still below the 55½ lakhs guaranteed by the Government of India. Interest is better by 1,80 owing to higher outstandings brought forward from 1911-12 and to additional advances in certain districts for *kachoha* wells and seed in order to secure the *rabi* sowings.

4. *Expenditure*—The opening balance is now put at 88,35 as compared with the previous estimate of 91,51. The expenditure estimated in the budget was 6,13,34. It is now put at 6,18,93 or 5,59 higher. As however the Government of India have sanctioned large additional grants for education and for construction of tank irrigation works in Bundelkhand no increase over the original allotments is indicated.

Considerable savings have in fact accrued on the sanctioned grants so making funds available for new objects of expenditure because our expenditure in any year is limited only by the total of the original budget provision plus any additional grants subsequently made by the Government of India. Under Police

1,80 out of the total allotment of 3,60 for reforms has lapsed owing chiefly to the unavoidable delay which has occurred in relieving Act XX towns and notified areas of their police charges.

Under Land Revenue a net saving of 92 is expected chiefly owing to the fact that the allotments aggregating 1,21 provided in connection with the revision of the deputy collectors' cadre will not be used in full owing to the late receipt of sanction. Other decreases of 30 under Police and of 35 under Scientific are explained in the appendix as is also an increase of 1,21 under Forests. Under Education the revised is 2,95 higher than the budget, but this increase is only apparent. The additional grants sanctioned by the Government of India of 3,45 for the Allahabad University, of 60 for secondary English schools and of 1,75 for hostels are being expended in full both under this head and under that of civil works to which transfers aggregating 1,39 have been made, while 98 out of the balance of 2,50 of the recurring grant of 7,00 received from the Government of India is also being spent within the year. The extra expenditure on this account is partly counterbalanced by savings on the ordinary grants estimated at 2,44 as explained in the appendix. Under Jails there is a saving of 64 chiefly in salaries and dietary charges, and under Medical it is anticipated that expenditure from the plague allotment will be 1,00 lower than the original budget provision, while a new provision of 26 has been made to cover the cost in the current year of the newly created service of municipal health officers. An apparent increase of 95 under Irrigation—Minor works and Navigation—Public Works department, is accounted for by expenditure against the Government of India's special grant for tank works in Bundelkhand and that of 1,63 under Civil works—Civil head—by additional grants to district and municipal boards. Under the departmental head there is a net increase of 66, large lapses—more especially from the allotments for the Medical College and High Court—being more than counterbalanced by expenditure on other projects and by transfers from the budgets of other departments. The only real excess of importance is one of 80 under Superannuation Allowances and Pensions based on the progress of actuals. The growth of expenditure under this head has been very rapid of recent years. For 1913-14 a further increase of 1,00 is budgeted for, and if the expenditure continues to expend at this rate the drain on provincial resources will be heavy. This matter is being separately inquired into.

The net savings accruing have been applied to meet a number of urgent demands of a non-recurring character, the most important of which are the following:—Rupees 30,000 has been given towards a sugar factory in Pilibhit, Rs. 18,000 as a grant to the Canning College and Rs. 21,028 as compensation on account of the land taken up for the Aligarh seed farm. Rupees 6,150 has been paid for the land required for the settlement of Haburahs and Bhatas in Moradabad, Rs. 20,760 for survey equipment for the Thomason College, Roorkee, Rs. 9,000 for plant required by the industrial school at Gorakhpur, Rs. 27,478 in grants to district boards for various purposes, Rs. 10,000 to Cawnpore municipality in aid of their King Edward VII Memorial Fund, Rs. 18,219 to meet the cost of 549 revolvers supplied to the Inspector-General of Police, Rs. 20,000 for various educational projects, Rs. 59,610 on account of additional grants in the Kumaun and Western circle Forest budgets, Rs. 20,000 additional grant in the Legal Remembrancer's budget to cover fees of counsel employed in important criminal cases, Rs. 20,000 for the Agra city park, Rs. 10,000 for the construction of buildings at the Benares weaving school and Rs. 5,000 as a further grant to the Saraswati Bhawan library at Benares.

Rupees 89,000 has been paid to the Lucknow municipal board for the completion of the civil lines extension scheme. Members will observe that even allowing for this expenditure the total will only be 5,59 in excess of the budget while we have received additional grants aggregating 7,20 so that there is still a net saving as compared with the sanctioned budget for the year, the distribution of which is being considered in connection with the final edition of the budget estimates.

BUDGET, 1913-14.

5. *Income*—The budget estimates for the coming year submitted to the Government of India were based on the assumption of continuance of normal prosperity more especially for agriculture on which mainly depend our most important heads of receipt. Normal increases were therefore assumed under all the major heads, allowance being made under Excise for the proposed raising of the rate of duty in a number of districts and under Forests for the fact that the sale of dead trees has now been completed.

The estimate under Irrigation—Major works—Public Works department, is based on the actual areas irrigated during the present *rabi* season and on normal areas for the *kharif*. The only important decline is that of 2,90 under Land Revenue due to smaller collections from partition fees and from suspended revenue partly counterbalanced by larger estimated collections under current demand and ordinary arrears.

The announcement made by the Finance Member on March 1st has however materially affected our prospects for the better. In addition to the assignments previously allowed for and which are given in detail in the appendix the Government of India have now proposed to sanction assignments of 48 as a contribution to the new service of municipal health officers, 60 non-recurring for the improvement of agriculture and allied objects, 1,00 non-recurring for medical relief, 6,38 recurring for education, 6,00 recurring for sanitation and of 29,53 recurring for the purpose of fixing local rates from the charges for village police and so making them available for local purposes. As a consequence of this the estimated income from provincial rates is reduced by 22,08. The net results of these changes is to give a total provincial income of 6,31,26 including a net assignment in favour of Provincial of 47,81.

6. *Expenditure*—The opening balance having been taken at 1,71,68 the total sum available for the year 1913-14 is then 7,82,89 after deducting the compulsory minimum balance of 20,00. The expenditure approved by the Government of India in the second edition of the budget is 6,71,24 or 57,90 more than the sanctioned budget of the current year and results in a closing balance of 1,31,65.

It would not help Members much if I were to go through all the variations between the existing and next year's budgets which may be found in considerable detail in the appendix. I may however draw attention to the more important points. The chief variations are increases of 6,98 under Land Revenue, of 3,00 under Forests, of 1,71 under Courts of Law, of 11,93 under Police, of 24,62 under Education, of 1,80 under Superannuation Allowances and Pensions, of 10,44 under Medical, of 45 under Scientific and other minor departments and of 1,64 under Irrigation—Interest on debt—with decreases of 81 on Irrigation—Minor works and Navigation, of 3,56 under Civil works in charge of civil officers and of 90 under Civil works—Public Works department. The increase under Land Revenue is due to higher settlement charges (+74) and to a lump provision of 6,25 to give effect to the recommendations of Mr. Pike's committee, that under Forests to the working out of the scheme for the development of the Kumaun forests, to an additional payment of 61 to the Raja of Tehri on account of leased forests and to a provision of 50 for the afforestation of waste lands including 30 for *babul* plantations in the Hamirpur district. The increase under Courts of Law is due to the replacement of the current year's lump allotments of 84 and 89 for extra courts in Agra and Oudh by a lump provisions of 3,30 for the introduction of the greater part of the Greeven scheme for the revision of judicial establishments which has received the sanction of His Majesty's Secretary of State. Under Police the increase of 11,93 is mainly owing to an addition of 11,02 made by the Government of India in connection with the remission of the appropriations from cesses. This does not therefore represent an increase of provincial expenditure but only a transfer to Provincial of expenditure on village police previously met

from local rates. The budget includes however an item of 1,15 in connection with the proposals for the more effective registration and control of criminal tribes.

Under Education the current year's budget included provision for the expenditure of 4,50 only out of the Government of India's special recurring grant of 7,00. The ensuing year's estimates include provisions for the expenditure of 7 lakhs for the year 1913-14 and for 1,52 out of the balance of 2,50 held over from the current year as also for the expenditure of the further grants of 45,20,60 and 1,75. A sum of 98 out of the 2,50 alluded to above has already with the permission of the Government of India been utilized in non-recurring grants for the building and equipment of 50 additional training classes for primary schools. The total increase of 7,02 due to the above additions is however counterbalanced to the extent of 4,59 by the omission from the ensuing year's estimates of the non-recurring provision included in the current year's budget out of the unallotted balance of the special non-recurring grant of 15,91 for education received from the Government of India in 1911-12. Other variations under this head are detailed in the appendix, the most important being an increase of 1,11 under grants-in-aid.

The Government of India have made a further lump addition of 20,50, but no details are yet known with reference to this.

The increase under Superannuation Allowances and Pensions and Irrigation—Interest on debt—are based respectively on the figures reported by the Accountant-General and as adopted by the Government of India for the second edition of the budget. The rise in pension charges has already been commented on, that under interest charges is of almost equal importance and the progress of actuals under these heads will be watched with anxiety. Under Medical the special non-recurring grants aggregating 9,02 made this year for sanitary purposes have been excluded from next year's budget. On the other hand additional provision of 1,18 has been made for the Medical College and hospital at Lucknow and there are other increases the most important of which are 75 for the new service of municipal health officers and sanitary inspectors, 25 for raising the pay of assistant surgeons, 31 under contributions to district boards, 25 for a grant to the Colvin dispensary at Allahabad and 14 to the Balrampur hospital at Lucknow. The Government of India have made a further lump addition of 16,25 under this head, but the details with reference to it have not yet been communicated.

The increase under Scientific and other minor departments is the net results of a number of increases, the most important of which are 32 for the maintenance of farms and 78 for initial expenditure in connection with them, of 10 for experimental work on the improvement of cotton seed and on power lifting machinery, of 11 for the equipment and maintenance of the Jumna Mission farm at Allahabad, of 43 for a new cattle farm for the Muttra district and of 15 for a proposed *zenana* park at Lucknow partly counterbalanced by the omission from next year's budget of various items of non-recurring expenditure included in the current year's budget and by a reduction of 71 in the provision for the Agra city park.

The Government of India have made an addition of 60 under this head presumably with reference to the new grant of 60 for the improvement of agriculture and allied objects which is included under the head of assignments.

The decreases under the heads of Irrigation and Civil works are partly due to the exclusion from the budget of all incomplete projects with the exclusion of a few which were of special urgency.

The decrease under Civil works—Public Works department would have been greater but for a lump addition of 4,00 made by the Government of India, of which the details are not yet known. The decrease under the civil head is chiefly due to a lump deduction made by the Government of India in connection, it would appear with abandonment of appropriations from cesses.

7. *General conclusions.*—In paragraphs 5 and 6 it has been shown that the provincial income is estimated at 6,31, 26, the expenditure at 6,71,24 and the resulting closing balance at 1,31,65.

These figures however include special grants largely non-recurring and it is necessary to exclude these grants before considering the essential questions in provincial finances, namely whether the deficit on the year's budget is greater than is prudent considering the state of our balances and whether the recurring expenditure present and prospective is fully covered by normal recurring income.

The current year's revised estimate under income includes the large special grants of 27,50, 42,25 and 1,200. It also includes 48 on account of the contribution to the cost of municipal health officers and 13 on account of the corresponding sum to be recovered from municipalities while the expenditure provided for under this head is 26. Excluding these items the opening balance for 1913-14 is reduced to 89,53.

The estimated income for 1913-14 includes special grants aggregating 43,99 and an addition of 14 to Land Revenue, both made by the Government of India; it also allows for a deduction of 22,08 under local rates made similarly by the Government of India and for municipal contribution towards the cost of health officers amounting to 35. Excluding these charges the estimate of income stands at 6,08,86.

Making the corresponding alterations on the expenditure side the charges will be reduced to 6,21,55 and the closing balance to 76,84, much in excess of the prescribed minimum of 20,00. The balance is large, but the expenditure proposed exceeds the income by 12,69 of which only items of 1,52 and 1,75 are on account of earmarked non-recurring grants. Of the remaining 9,42 not much is on account of expenditure of a really exceptional character. Besides 1,00 for the reclamation of criminal tribes and 40 for the Gumti bridge, 2,75 for the new High Court and 3,47 for the Medical College might be so described, but the former will recur for some years to come, while buildings necessary for the full carrying out of the Greeven scheme will also necessitate large expenditure over a series of years. The Medical College will be completed in 1913-14, but it is to be noted that the budget contains no provision on account of buildings for the proposed Technological Institute at Cawnpore, while the Board of Revenue are pressing for allotments aggregating 12,00 for revenue buildings urgently required. The assignment of 29,53 recurring will neither directly add to nor subtract from provincial resources, though the large addition made to the resources of district boards should indirectly relieve provincial finances to some extent. The other large assignments whether recurring or non-recurring are earmarked for special purposes with the exception of the non-recurring sum of 1,200. The general conclusion is therefore that although the large recent increases in the income under a few heads together with the grants made by the Government of India have given an unexpected strength to our financial position, yet the excess of expenditure over income in a budget including but little really abnormal expenditure shows that the position is still by no means free from difficulty.

8. The same conclusion is indicated by an examination of recurring income and expenditure, special grants being again excluded. On the receipt side the only non-recurring item is 78 on account of the provincial share of the collections of suspended land revenue. The normal recurring income is therefore 6,08,08. Of the total expenditure of 6,21,55, 24,39 is non-recurring leaving, recurring expenditure at 5,97,16 or 10,92 below recurring income. The Local Government is however as far as can be seen committed to further recurring expenditure in the near future of 60 on the Technological Institute at Cawnpore, of 1,19 on the Greeven scheme, of 2,80 on the revision of the cadre of deputy collectors and on the Medical College at Lucknow of at least 32 and very probably of 1,00. The probable extra demands amount therefore to 5,59, while the recurring charges included in the budget involve further recurring expenditure of 33 in the near future raising the extra demands to 5,92.

Proposals which are under the consideration of the Government of India for the revision of the establishment of the Public Works department in both the

Irrigation and Buildings and Roads branch involve extra recurring expenditure of 1,34 and an increase of about 92 is necessary under Forests if the recent increase in income is to be maintained. Finally, the expenditure accepted as non-recurring in the budget includes 2,61 on settlements while on account of the large number of settlements in prospect an expenditure of at least this amount will be necessary over a considerable period. The available margin of recurring expenditure is therefore reduced to the very small one of 13 and the uncertain and fluctuating character of the income from the three heads which have mainly contributed to the increase—Stamps, Excise and Forests—makes it inadvisable to count on a further steady increase in excess of the amount required to cover unavoidable increases in expenditure. This more especially as there are few grants whether recurring or non-recurring which will not ultimately involve recurring additions to provincial expenditure. Desirable increases of expenditure not included in the budget are many and various; such will occur to all members, and I need only name a few which have been brought forward prominently as for instance increases to the pay of the land records staff and the additional expenditure on facilities for civil courts which have been proposed by the High Court.

While therefore the provincial income has shown a most welcome and unexpected degree of elasticity it is at the same time obvious that great care still continues to be necessary in controlling the finances of the province.

The 4th March 1913.

A. W. PRIN.

APPENDIX I.

*Budget estimate of Provincial Services, United Provinces of Agra and Oudh,
for the year 1913-14.*

REVENUE

| Heads of revenue | Provincial | | | Remarks |
|---|---------------------|---------------------|--------------------|---------|
| | Budget, 1912-13. | Revised, 1912-13 | Budget, 1913-14 | |
| Principal heads of revenue— | | | | |
| I—Land revenue | 2,58,33 | 2,57,49 | 2,55,42 | |
| Adjustments | +9,19 | +96,87 | +47,81 | |
| II—Opium | | | | |
| IV—Stamps | 56,00 | 57,50 | 58,75 | |
| V—Excise | 86,25 | 92,25 | 93,75 | |
| VI—Provincial rates | 29,65 | 28,00 | 1,57 | |
| VII—Customs | | | | |
| VIII—Assessed taxes | 12,49 | 12,59 | 12,84 | |
| IX—Forest | 26,45 | 32,00 | 30,25 | |
| X—Registration | 6,00 | 6,36 | 6,40 | |
| XI—Tributes | | | | |
| Interest— | | | | |
| XII—Interest | 11,92 | 13,72 | 11,72 | |
| Receipts by civil departments— | | | | |
| XVIA—Law and Justice—Courts of Law . . | 6,34 | 6,83 | 6,69 | |
| XVIB—Law and Justice—Jails . . | 3,50 | 3,50 | 3,55 | |
| XVII—Police | 1,01 | 98 | 81 | |
| XIX—Education | 5,12 | 5,02 | 5,47 | |
| XX—Medical | 52 | 68 | 1,00 | |
| XXI—Scientific and other minor depart- ments | 1,49 | 1,50 | 1,63 | |
| Miscellaneous— | | | | |
| XXII.—Receipts in aid of superannuation, &c | 92 | 70 | 86 | |
| XXIII—Stationery and printing | 1,47 | 1,42 | 1,46 | |
| XXV—Miscellaneous | 2,75 | 3,25 | 2,95 | |
| Irrigation— | | | | |
| XXIX—Major works (direct receipts)—Civil head | 1,50 | 1,62 | 1,64 | |
| „ Major works (direct receipts)—Depart- mental head | 74,07 | 77,90 | 80,77 | |
| „ Portion of land revenue due to irriga- tion—Civil head | | | | |
| XXX—Minor works and navigation—Civil head | 5 | 4 | 3 | |
| „ Minor works and navigation—Depart- mental head | 1,41 | 1,60 | 1,39 | |
| Buildings and roads— | | | | |
| XXXI—Civil works—Civil head | 1,05 | 1,30 | 1,29 | |
| „ „ Departmental head | 2,52 | 3,52 | 3,20 | |
| Total, Revenue | 5,94,00 | 7,02,21 | 6,81,26 | |
| Opening balance | 91,51 | 88,95 | 1,71,63 | |
| GRAND TOTAL | 6,85,51 | 7,90,56 | 8,02,89 | |

*Budget estimate of Provincial Services, United Provinces of Agra and Oudh,
for the year 1913-14*

EXPENDITURE

| Heads of expenditure | Provincial | | | Remarks |
|--|--------------------|---------------------|--------------------|---------|
| | Budget, 1912-13 | Revised, 1912-13 | Budget, 1913-14 | |
| Direct demands on the revenue— | | | | |
| 1—Refunds and drawbacks .. | 1,15 | 1,18 | 1,20 | |
| 2—Assignments and compensations .. | 1,21 | 1,14 | 1,44 | |
| | . | | | |
| Charges in respect of collections— | | | | |
| 8—Land revenue .. | 88,60 | 87,68 | 95,58 | |
| 4—Opium .. | | | | |
| 6—Stamps .. | 1,37 | 1,48 | 1,46 | |
| 7—Excise .. | 8,01 | 8,06 | 8,15 | |
| 10.—Assessed taxes .. | | | | |
| 11—Forest .. | 15,65 | 16,86 | 18,65 | |
| 12—Registration .. | 2,91 | 2,84 | 2,88 | |
| Interest— | | | | |
| 13—Interest on ordinary debt .. | 9,09 | 9,82 | 9,26 | |
| 14—Interest on other obligations .. | | | | |
| Salaries and expenses of civil departments— | | | | |
| 18—General administration .. | 17,16 | 17,10 | 16,90 | |
| 19A—Law and Justice—Courts of Law .. | 61,27 | 61,59 | 62,98 | |
| 19B—Law and Justice—Jails .. | 19,44 | 18,80 | 19,52 | |
| 20—Police .. | 1,12 17 | 1,09,69 | 1,24,10 | |
| 22—Education .. | 52,18 | 55,08 | 76,75 | |
| 23—Ecclesiastical .. | | | | |
| 24—Medical .. | 80,79 | 80,00 | 41,28 | |
| 25—Political .. | | 5 | 10 | |
| 26—Scientific and other minor departments | 18,15 | 12,80 | 13,60 | |
| Miscellaneous civil charges— | | | | |
| 27—Territorial and political pensions .. | . | . | | |
| 28—Civil furlough and absentee allowances .. | | | | |
| 29—Superannuation allowances and pensions | 80,80 | 81,60 | 82,60 | |
| 30—Stationery and printing .. | 8,54 | 8,44 | 8,65 | |
| 32—Miscellaneous .. | 1,47 | 1,64 | 1,85 | |
| Famine relief and insurance— | | | | |
| 33—Famine relief—Civil head .. | | | | |
| 39—Famine relief—Departmental head .. | . | . | | |
| 85—Protective works, Irrigation .. | | | | |
| 86—Reduction or avoidance of debt | 4,50 | 4,50 | 4,50 | |
| Irrigation— | | | | |
| 42—Major works (working expenses)—Civil head .. | 18 | 18 | 18 | |
| 42—Major works (working expenses)—Departmental head .. | 80,00 | 29,82 | 29,99 | |
| 42—Major works—Interest on Debt—Civ 1 head .. | 80,48 | 81,70 | 82,12 | |
| 43—Minor works and navigation—Civil head .. | | | | |
| 43—Minor works and navigation—Departmental head .. | 3,89 | 4,34 | 2,58 | |
| Other public works— | | | | |
| 45—Civil works—Civil head .. | 8,58 | 10,21 | 4,97 | |
| 45—Civil works—Departmental head .. | 66,18 | 67,84 | 65,28 | |
| Railway revenue account— | | | | |
| 40—Subsidized companies land, &c—Departmental head .. | 18 | 9 | 2 | |
| 49—Irrigation works .. | .. | . | | |
| Total, Expenditure | 6,18,84 | 6,18,98 | 6,71,24 | |
| Closing balance .. | 72,17 | 1,71,63 | 1,81,65 | |
| GRAND TOTAL | 6,85,51 | 7,90,55 | 8,02,89 | |

APPENDIX II.*

[*Explanation of the estimates under the more important heads of revenue and expenditure*]

RECEIPTS.

1. *Land Revenue* :—The income under this head includes both the shared and unshared revenue credited to Provincial. The figures for 1911-12 .. 2,66,19 and 1912-13 .. 3,54,58 in the margin include also the net assignments from Provincial to Imperial revenues. The ordinary land revenue of the province, revenue record room receipts, malikana revenue and several smaller items are shared between the Imperial and Provincial Governments in the proportion of five-eighths and three-eighths respectively, the rest, comprising chiefly the revenue derived from the Kumaon government estates and the Muzapur Stone Mahal, is credited wholly to Provincial. As regards shared income, it is expected that land revenue collections in the current year will be 2,75 (Provincial share 1,08) below the original budget as a result chiefly of the suspensions and postponements necessitated in the eastern districts of the province by the unfavourable monsoon. The progress of actuals also indicates a fall of 15 (Provincial share 5) in Miscellaneous shared revenue. Unshared revenue is expected to be 24 above the original budget, the progress of actuals indicating an improvement of 60 in the receipts from the Tarai and Bhabar government estates. On the other hand, a decrease of 36 is expected under Miscellaneous unshared revenue, chiefly under the head of partition fees.

The original budget allowed for a net assignment from Imperial to Provincial revenues of 9,19, but the Government of India have since made further assignments of 1,30 (non-recurring) for construction of tank works in Bundelkhand; of 60 (recurring) for the improvement of aided English secondary schools, of 3,50 (non-recurring) for hostels, of 3,45 (4 recurring) in aid of the Allahabad University; of 20 as a further recurring grant for education, of 10 (non-recurring) for expenditure on archaeological works, of 9 (recurring) to meet the pay of two additional Deputy Sanitary Commissioners, and of 7 (4 recurring) for some smaller items. It is estimated that a further assignment of 29 (non-recurring) is required to cover Royal Bonus payments made in the current year and a new assignment of 48 has been allowed for to cover the Government of India's contribution towards the cost of the newly created service of municipal health officers. On the other hand, owing to an improvement in Irrigation Major Works revenue, it is expected that the Imperial assignment required to bring the net income under the head up to the guaranteed figure of 55½ lakhs will be 4,13 lower than the original forecast. The effect of these alterations is that the net assignment from Imperial to Provincial revenues is raised by 5,95 to 15,14. In addition the Government of India have made further non-recurring assignments of 27,50 for sanitation, of 42,25 for education, and for other purposes of 12,00, thus bringing the total figure for assignments up to 96,89.

The gross collections of land revenue for the ensuing year are estimated at 4,46,20. As compared with the original estimates of the current year the current demand goes up by 4,25 (Provincial share 1,59), but collections on account of suspensions will be 12,09 (Provincial share 4,53) lower, the net result being a reduction of 2,94 in Provincial income. Under other shared heads there is a net decrease of 13 (Provincial share 5) as compared with the current year's budget, the chief decline being one of 11 under mutation fines based on past actuals. Unshared revenue is, on the whole, 6 lower than in the current year's budget, the principal variations being an increase of 13 in the budget of the Tarai and Bhabar government estates due to improved forest receipts and a decrease of 20 in partition fees which

* Throughout this appendix, where three years are given together, they are the actuals of the year 1911-12, the revised estimate of 1912-13 and the budget forecast of 1913-14. Wherever figures of rupees are quoted without the prefix "Rs" they represent thousands of rupees.

are gradually coming down under the influence of the settlements Imperial assignments are estimated at 47,81 as compared with 9,19 (net) in the budget for the current year. Provision has been made for the additional recurring assignments of 20 for education, of 45 for the Allahabad University, of 19 for the pay of the additional Deputy Sanitary Commissioners, of 60 for aided English secondary schools and of 5 for two smaller items. A provision of 43 has also been made to cover the Government of India's contribution towards the cost of the newly created services of municipal health officers and sanitary inspectors. On the other hand, it is estimated that an assignment of 3,26 only as compared with 10,11 in the current year will be required to bring the net revenue under Irrigation Major Works up to the guaranteed figure of 55½ lakhs. Apart from these assignments the Government of India have sanctioned non-recurring assignments of 60 and 100 for improvement of agriculture and allied objects and medical relief respectively, and recurring assignments of 6,38 for education, of 6,00 for sanitation, and of 29,53 in connection with the scheme for the remission of appropriations from cesses for provincial expenditure.

2. *Stamps*.—The income under this head is shared equally by the Imperial and Provincial Governments. The revenue for the current year was originally forecasted at 1,12,00, but the progress of actuals indicates that this forecast will be exceeded by at least 3,00. The estimate for the ensuing year (1,17,50) allows for a further expansion as trade prospects are good and there is no indication at present of any decline in litigation.

3. *Excise*.—The Provincial Government receives three-fourths of the income credited under this head. The original budget for the current year allowed for an income of 1,15,00. It now seems probable that an income of 1,23,00 will be realized. The great bulk of improvement is under the head of country spirits and is apparently owing to more general prosperity and the greater confidence now evinced by dealers in the contract supply system. The forecast for 1913-14 is 1,25,00. It is expected that the revenue will continue to improve as the agricultural outlook is good. On the other hand, allowance has been made for a probable contraction due to the proposed enhancement of duty in a number of districts.

4. *Provincial rates*.—In previous years the receipts under this head included the appropriations made from the local rates to cover cost of village police in the province of Agra, and the proceeds of the rate levied from court of wards estates under Act X of 1892. With effect from 1913-14 only the latter will be shown as the appropriations for village police in Agra will disappear when the scheme for the remission of appropriations from cesses is brought into force. The revised estimate for the current year is 5 below the original forecast owing to savings of that amount in rural police charges.

The estimate for 1913-14 on account of the court of wards rate is only 2 above the current year's estimate and does not call for remark.

5. *Assessed taxes*.—The Provincial Government receives half the income realized under this head. The revised estimate for the current year, based on the progress of actuals, is 16 above the original forecast of 25,02. The income is growing steadily owing to the expansion of trade and to reassessments, and the forecast for 1913-14 (25,68) allows for a further improvement of 50 as compared with the revised estimate of the current year.

6. *Forests*.—The original estimate of the income expected under this head during the current year was 26,45. It is now estimated at 32,00, or 5,55 in excess of the original budget; the improvement is attributable to abnormal sales of trees killed by the drought of 1908, to higher prices generally for timber, to more extensive

resin operations; to a rise in the price of colophony and to larger and more profitable sales of timber in the Kumaun forests under the new scheme of management of those forests!

For the ensuing year the revenue is estimated at 30,25 or 3,80 above the original budget for the current year. Of this increase 56 is in the eastern circle, 1,15 in the western circle and the balance of 2,09 in the budget of the Kumaun circle. A cautious figure has been taken for timber generally in view of the possibility of the timber market being glutted by the abnormal sales this year, and in view of the fact that the extraction of dead timber from the forests will have been practically completed during the current year. But allowance has been made for a further expansion of the turpentine industry in the western and Kumaun circles and for larger supplies of fuel in the former to the troops stationed at Lansdowne and to the Supply and Transport Corps at Chakrata, as also for further developments in the Kumaun circle under the new scheme of management.

7. *Registration*—The revised estimate for the current year is 36 higher than the original forecast of 6,00 the main increase being

| | | |
|---------|-----|------|
| 1911-12 | ... | 5,95 |
| 1912-13 | ... | 6,86 |
| 1913-14 | ... | 6,40 |

under the head of fees for the inspection of books and indexes and being due to an order of the High Court directing fees to be charged in certain cases previously exempt from the payment of fees.

The estimate for 1913-14 is 6,40 and is based on the revised estimate for the current year.

8. *Interest*.—The income under this head for the current year was estimated at 11,92. It is now put at 13,72 or 1,80 higher. The increase

| | | |
|---------|-----|-------|
| 1911-12 | ... | 13,58 |
| 1912-13 | ... | 18,72 |
| 1913-14 | ... | 11,72 |

is chiefly due to larger outstandings brought forward from 1911-12 and to the additional advances sanctioned for kachoha wolls and seed in certain districts in order to secure the rabi sowings.

For 1913-14 the estimate is 11,72 and is based on the estimates of provincial loans and advances for the ensuing year. Allowance is made for a considerable decline as compared with the revised estimate of the current year in the receipts from interest on agricultural loans, as it is expected that the outstandings both at the beginning and close of the year will be much lower.

9. *Civil departments*—This head includes receipts from Courts of Law, Jails, Police, Education, Medical and Scientific and other minor departments. The revised estimate for the current year is 48 above the original forecast. The bulk of the rise is under Courts of Law, the progress of actuals indicating that the receipts under "general fees, fines and forfeitures" will be 53 higher than was originally anticipated.

The estimate for next year is 19,15 or 1,17 above the original budget for the current year. There are increases of 35, under Courts of Law due to a higher estimate for receipts from fees, fines and forfeitures based on the revised estimates for the current year; of 35 under education due to the enhancement of tuition fees and a probable increase in the number of scholars, of 48 under Medical, chiefly on account of receipts of the new medical college, and to a new provision of 35 on account of municipal contributions towards the cost of the new service of health officers and of 14 under Scientific and other minor departments owing principally to the establishment of new sugar farms at Shahjahanpur and Nawabganj (Bareilly) and of a new seed farm in Cawnpore. On the other hand, there is a decrease of 20 under Police, owing chiefly to the omission of an item of 14 on account of receipts for clothing from town funds in view of the contemplated conversion of the police of Act XX towns and notified areas into provincial constabulary with effect from the new financial year.

10. *Miscellaneous*.—This head includes Superannuation, Stationery and Printing and Miscellaneous receipts. It is expected that the

| | | |
|---------|-----|------|
| 1911-12 | ... | 6,85 |
| 1912-13 | ... | 5,87 |
| 1913-14 | ... | 5,87 |

income in the current year will be 23 higher than the original forecast. The progress of actuals indicates decreases of 22 and 5 under

Superannuation, and Stationery and Printing receipts respectively. On the other hand, miscellaneous receipts are expected to be 50 higher, the chief increases being 22 under sale of land and houses in view of the contemplated sale of old *wasiga* buildings at Lucknow and 14 under fees for government audit due to larger recoveries from the Nanpara and Ajudhya court of wards estates.

The budget estimate for 1913-14 is 13 higher than the original budget for the current year, but 10 below the current year's revised estimate. The abnormal item for sale of *wasiga* buildings is omitted; otherwise the estimates for the ensuing year follow closely those of the revised budget for the current year. The variations are small and do not require to be noticed.

11. *Irrigation*.—As the figures on the margin show, the revised estimate for the

| | <i>Actuals,</i> 1911 12 | <i>Budget,</i> 1912 13 | <i>Revised,</i> 1912 13 | <i>Budget,</i> 1913 14. | current year is 4,13 higher than the original bud- get. The main increase, 3,83, is in occupier's rate and is due to the irrigation of lar- |
|-----------------------------------|----------------------------|---------------------------|----------------------------|----------------------------|--|
| XXIX—Owner's rate | 1,62 | 1,50 | 1,62 | 1,64 | |
| XXX—Occupier's rate | 80,98 | 74,07 | 77,90 | 80,77 | |
| XXX—Minor works—Civil | 4 | 5 | 4 | 8 | |
| XXX—Minor works—de- partmental | 1,47 | 1,41 | 1,60 | 1,89 | |
| Total | 84,11 | 77,08 | 81,16 | 83,88 | |

ger areas during the last kharif owing to the deficient rainfall in parts of the province. The estimated income for next year is 83,83. It is 2,67 above the revised, and 6,80 higher than the original, estimate of the current year. The forest is based on the extent of irrigation required in connection with the present rabi season and on normal areas for the ensuing year's kharif.

12. *Civil Works*.—The progress of actuals in 1911-12 indicates that the original estimate of 4,27 for the current year will be exceeded by 1,25. Under the 1912-13 estimate of 4,83 the 1913-14 civil head an increased income of 25 is expected chiefly from higher receipts on account of the government share of the surplus profits of the Shahdada-Saharanpur Light Railway. Under the departmental head there is an increase of 1,00, which is apparently due to the original forecast having been pitched too low. The estimate for the ensuing year is 4,49 and is based on the revised estimate of the current year.

EXPENDITURE.

13. *Land Revenue*.—The revised estimate for the current year is 92 below the original budget. The important variations are decreases of 1,18 and 18 under charges of district administration and management of government estates, respectively, and increases of 23 and 22 under survey and settlement and land records, respectively. The decrease under charges of district administration is mainly due to the lump allotments aggregating 1,21 provided in connection with the revision of the deputy collectors' cadre not having been fully utilized owing to the proposals not having been sanctioned till recently; while that under management of government estates is due to short expenditure under supplies and services, on improvement and on the new forest scheme in the Farrakka and Bhabar government estates. Higher expenditure on settlement operations, chiefly in the Fatehpur and Muttra districts, accounts for the increase under survey and settlements. That under land records is due for the most part to arrear payments of Royal Bonus to certain members of the kanungo establishments.

The budget for next year is 95,58. As compared with the original budget of the current year the chief difference is an increase of 74 under survey and settlement. Settlement operations are to be continued in the districts of Etawah, Fatehpur and Allahabad and a lump sum of 61 has been provided for operations in other districts, mainly in Pilibhit. Under charges of district administration there is a net increase of 13. The lump provisions made in the current year's budget in connection with the revision of the deputy collectors' cadre have been repeated, and will, it is hoped, be sufficient to meet the expenditure to be incurred next year.

Salaries and establishment charges are lower by 7 and the provision for travelling allowance also has been reduced by 8 on the basis of past actuals. On the other hand, the expenditure under supplies and services is 12 higher, as special provision has been made for tents for new deputy collectors (+8) and for the renewal of typewriters (+3). A new provision of 8 has also been made to meet expenditure on printing and binding charges in district offices, for which no proper allotments have hitherto existed and 14 have been added for certain refunds in the budget of the Mirzapur Stone Mahal. Under management of government estates there is a net decrease of 11. The special provision of 12 in the current year's budget for purchase of elephants in the Tatal and Bhabai estates has been reduced to 1, the anticipated outlay on improvements will be 6 lower and there is a decrease of 10 under expenditure on the new forest scheme due to the transfer of the officer in charge to the Kumaun forest circle and to his replacement by a junior officer. On the other hand, there is a provision of 15 for the purchase of the land of the Haldwani poultry farm. Under land records there is a net decrease of 13. The non-recurring provisions included in the current year's budget, of 11 in connection with the special duty of the late Director, Mr. Moreland, and of 6 in connection with the revision of the Almora patwar records, have been omitted from the ensuing year's budget, but there are small counterbalancing increases under other heads.

The new expenditure under land revenue recommended by the Finance Committee at their meetings held in October 1912 and January 1913 is 6,30 recurring and 4 non-recurring. The chief items of recurring expenditure are a provision of 6,25 to give effect to the recommendations of Mr. Pike's committee and a provision of 4 for the appointment of special surveyors and kanungos in districts coming under settlement. The non-recurring expenditure includes an item of Rs. 1,200 for the appointment of ten extra court clerks of ejectment suits for eight months at Rs. 15 per mensem each in the Gorakhpur district, and Rs. 1,200 for the appointment of ten extra court clerks at Rs. 15 per mensem each for eight months to deal with the execution of decrees in respect of ejectment cases in the same district.

14. *Other collection charges*—The expenditure included under this head is

| | |
|---------|----------|
| 1911-12 | .. 30.90 |
| 1912-13 | .. 24.19 |
| 1913-14 | .. 26.14 |

that recorded under Stamps, Excise, Forests and Registration. Expenditure on Stamps is equally divided between the Imperial and Provincial Governments. The Provincial

Government bears three quarters of the charges under Excise and the whole of the expenditure under Forests and Registration. The revised estimate for the current year is 1,25 in excess of the original budget. There are increases of 6 under Stamps, of 5 under Excise and of 1,21 under Forests, with a small decrease of 7 under Registration. Under Stamps the increase is due to larger payments on account of discount following on larger sales of non-judicial and court-fee stamps; that under Excise is due to the grant of privilege leave to the Commissioner of Excise and to his Assistant, to the establishment of an Excise intelligence bureau and higher expenditure on travelling allowance, and to larger payments on account of rewards. There is a small counterbalancing decrease under distilleries mainly owing to savings in the salaries of inspectors due to the appointment of officers in the lower grades in higher grade vacancies. Of the increase under Forests, 70 is nominal being due to a transfer of that amount to the forest budget out of the Government of India's special grant of 1 lakh for the improvement of agriculture and allied objects. The money is being spent in the acquisition of certain babul forests in the Hamirpur district. The arrest of the increase under forests is chiefly due to expected larger payments to the Raja of Tehri on account of his share of the increased revenue that is being derived from the leased forests in the western circle and to the establishment of a new direction division and the appointment of an additional staff in the Kumaun forests under the new scheme of management. The non-recurring provision of 15 in the current year's budget for the purchase of a traction engine has not been utilised, but the saving due to this cause is

nearly counterbalanced by increased outlay on fuel in the western circle and on resin operations in the Kumaun circle

The budget for the new year is 3,20 in excess of the original budget for the current year. There are increases of 9 under Stamps, of 14 under Excise and of 3,00 under Forests and a decrease of 3 under Registration. The Stamps excess is due, as in the revised, to larger payments of discount on sales. Under Excise it is due principally to a larger provision of 10 for travelling allowance, based on past actuals and a provision of 2 for the purchase of new typewriters. Under Forests 71 of the use of 1,51 apart from new expenditure is accounted for by higher expenditure in the Kumaun circle due chiefly to developments in connection with the new scheme of management, and 50 is for the afforestation of certain waste lands including 30 for babul plantations in the Hamirpur district. There is also a large increase (55) in the budget of the western circle. It is estimated that 61 more will be required on account of the Raja of Tehri's share in the increased revenue of leased forests, and that 11 more will have to be expended in the Lansdowne and Chakrata divisions to meet the larger demand for fuel required by the troops quartered at those places and for the Supply and Transport Corps. On the other hand, there is a reduction of 12 in the provisions for roads and bridges and buildings due to a reversion to the normal allotments under those heads, and a saving of 8 is also allowed for under salaries on the basis of the actual requirements of the year. In the eastern circle budget there is a net decrease of 25 due to the omission from the ensuing year's estimates of non-recurring provision included in the current year's budget with small counterbalancing increases under other heads. The small decrease under Registration does not call for remark.

The budget includes new expenditure amounting to 1,49 of which 64 is recurring and 85 non-recurring. Practically the whole of the recurring increase appertains to the budget of the Kumaun forest circle and is nearly all owing to the larger outlay necessitated by the new scheme of management. The new non-recurring expenditure is distributed over all the forest budgets. In the western circle Rs 8,300 have been provided for works which cannot be met from the normal allotments for roads and bridges and petty buildings, Rs 4,000 for the purchase of a new elephant for the Ramnagar division, Rs 25,000 for improvements in the turpentine distillery at Bhowah, Rs 3,500 for the purchase of barrels for the distillery and Rs 7,042 for the construction of rest houses at Mahesh Khan and Bogshar in the Naini Tal and Ramnagar divisions respectively. In the eastern circle Rs 4,000 have been provided for the construction of a rest house at Kilpura in the Haldwani division and Rs 3,663 for the construction of godowns and quarters for orderlies at the central office at Naini Tal. In addition a provision of Rs 14,900 has been made for works which cannot be constructed out of the normal allotments for communications and buildings. In the Kumaun circle the non-recurring expenditure allowed for is Rs 13,000, the largest item being Rs 8,000, provided for the construction of a boom for catching *chir* sleepers at Tanakpur in the Almora district.

15 Interest.—The expenditure under this head represents the interest paid

| | | |
|---------|------|---|
| 1911-12 | 9.14 | to the Government of India on the provincial loan account |
| 1912-13 | 9.89 | The revised estimate for the current year is 23 in excess of |
| 1913-14 | 9.26 | the original budget. This excess is due in part to a reduction of 26 made by the Government of India in the figure originally proposed for the current year's budget and in part to the fact that the mean between the outstanding balance at the beginning of the year and the outstanding balance at its close is now expected to be 53 higher than was originally estimated. |

The loan account for 1913-14 opens with an outstanding balance of 2,65.99. New advances are estimated at 42.34 and it is expected that recoveries will amount to 39.28, leaving an outstanding balance on the 31st March 1914 of 2,69.05. The mean between this figure and the opening balance is 2,67.52 and interest on this at 3½ per cent. comes to 9.36, which was the figure proposed by the Local

Government for the budget of the ensuing year. The Government of India have however made a reduction of 10 in the estimate, which therefore stands at 9,26

16 *General Administration*—The revised estimate for the current year is 6 below the original forecast of 17,16, the decrease being due to petty variations which do not call for remark

The budget for the new year is 20 below the revised estimate for the current year and 26 below the current year's original budget. The principal variation is a decrease of 21 under staff and household expenses of the Lieutenant-Governor, due to the appointment of a junior officer as Private Secretary to His Honour and to the omission from the ensuing year's estimate of a special non-recurring provision included in the current year's budget for the renewal of furniture. In the Secretariat budget there is a decrease of 14 due to the appointment of junior officers as Secretaries to Government and to a reduction of 2 in the provision for officers on special duty. The variations under other heads do not call for remark.

The new expenditure is 1 recurring and 2 non-recurring. The chief item of recurring expenditure is Rs 900 for the appointment of a shorthand writer for the Commissioner of the Benares division on a pay of Rs 75 per mensem rising by biennial increments of Rs 5 to Rs 125. The non-recurring expenditure represents a single item of Rs 1,500 for the purchase of the *Sacred Books of the Hindus* for the Secretariat library.

17 *Courts of Law*—The original forecast for the current year was 61,27, so that the revised budget is 32 above it. This excess is made up of increases of 3 under High Court, of 3 under Judicial Commissioner, of 70 under Civil and Sessions courts, of 16 under Courts of Small Causes and of 6 under Refunds, and decreases of 17 under Law Officers and of 49 under Criminal courts. The increase under Civil and Sessions courts is due to the expenditure on extra courts, while that under Courts of Small Causes is entirely due to the retention of the Additional Judge at Lucknow and of his establishment. Under Law Officers a decrease of 17 is due to the appointment of a junior officer as Legal Remembrancer and to smaller expenditure under the head fees of pleaders and barristers in criminal cases, while the large decrease under Criminal courts is owing to a smaller debit to this head on account of the share of salaries of district officers. The variations under other heads are unimportant and do not call for notice.

The budget for the new year is 62,98, or 1,71 in excess of the original budget for the current year. The principal addition is one of 1,41 under Civil and Sessions courts due to the lump allotments of 84 and 89 for extra courts in Agra and Oudh being replaced by a lump provision of 3,20 for the partial introduction of Mr. Greeven's scheme for the revision of judicial establishments. A provision of 3 has been made for raising the pay of the Assistant Government Advocate from Rs. 500 to Rs. 750 per mensem and Rs 10,000 have been added for the better remuneration of Government Pleaders and for the employment of special counsel in important cases. There are numerous smaller variations, but none are of sufficient importance to call for notice.

The new expenditure amounts to Rs 3,402 recurring and Rs. 3,306 non-recurring. The principal item of recurring expenditure is a provision of Rs 1,320 for the appointment of two more stenographers for the courts of district judges, and of non-recurring a provision of Rs. 3,234 for the purchase of furniture for certain of the Civil Courts in Oudh.

18 *Jails*—The revised estimate for the current year is 64 below the original forecast. A considerable saving is anticipated under salaries of superintendents of central jails due to the appointment of junior officers in places of seniors on long leave, and the progress of actuals indicates that the expenditure on dietary charges and on the purchase of quinine will also be lower than was originally anticipated.

| | |
|---------|-------|
| 1911-12 | 19,63 |
| 1912-13 | 17,10 |
| 1913-14 | 16,90 |

| | |
|---------|-------|
| 1911-12 | 62,24 |
| 1912-13 | 61,69 |
| 1913-14 | 62,98 |

| | |
|---------|-------|
| 1911-12 | 18,10 |
| 1912-13 | 19,60 |
| 1913-14 | 19,62 |

The estimate for the ensuing year is 8 above the current year's budget. There is a decrease of 23 under salaries of superintendents due to the absence of senior officers on leave, but this is more than counterbalanced by a new non-recurring provision of Rs 30,000 for the extension of the juvenile jail at Bareilly. A new recurring provision of Rs 1,500 is made for furnishing some means of subsistence to prisoners on release from jail, and Rs 1,300 recurring have been provided for the establishment of another reformatory for juvenile offenders at Rura in the Cawnpore district. The budget further includes a non-recurring provision of Rs. 1,500 for a grant to the Salvation Army for the purpose of constructing quarters for the European in charge of the Dom settlement at Golaikhur.

19 *Police*—The original budget for the current year allowed for an expenditure of 1,12,17 so that the revised estimate is nearly 2½ lakhs lower. But 47 of the saving is nominal being on account of transfers made to the budget of the Public Works department and the rest is largely accounted for by the lapse of 1,80 from the lump allotment of 3,60 for police reforms, owing chiefly to the unavoidable delay that has occurred in giving effect to the scheme for relieving Act XX towns and notified areas of their police expenditure, the lump allotment of 10 for the establishment of a constables' training school has also lapsed as the site selected for the school is not now available, and as the question of the redistribution of railway police charges has not yet been settled, the lump allotment of 20 included in the budget for this purpose will not be required. Numerous smaller variations have not been noticed.

The budget for the new year provides for an expenditure of 1,24,10 or 11,93 more than the original budget for the current year. Reforms carried out from the lump allotment included in the current year's budget account for an addition of 29, and it has been found necessary to raise the provision for travelling allowance, on the basis of past actuals, by 22 and to make some smaller additions aggregating 6. On the other hand, the provision for supplies and services has been reduced by 24, mainly on the basis of past expenditure under the head and there are several petty reductions aggregating 26 under other heads. The current year's lump allotments of 10 for a constables' training school and 20 for the redistribution of railway police charges have been omitted from the ensuing year's budget for the reason already stated, and the lump allotment of 3,60 for police reforms has been replaced by a lump provision of 3,43 for the conversion of Act XX towns and notified area police into provincial constabulary with effect from the new year.

The new expenditure amounts to 1,27 of which 21 is recurring. The recurring expenditure comprises an item of Rs 15,000 provided in connection with the scheme for the more effective registration, &c., of criminal tribes, Rs 5,000 for the reallocation of police circles in the Allahabad district and Rs 960 for the conversion of the police outposts at Garhi in the Dehra Dun cantonment into a police station. The non-recurring expenditure is on account of the scheme referred to above. The bulk of the rise under the head is however owing to an addition of 11,02 made by the Government of India in connection with the scheme for the remission of appropriations from cesses to which reference has already been made.

This expenditure on village police has been met up to the present from the proceeds of the local rate in Agra.

20 *Education*—The original budget for the current year provided for an expenditure of 52,13, but the Government of India have since sanctioned additional grants from imperial revenues aggregating 5,80 as under—

| | |
|---------|----------|
| 1911-12 | . 48,86 |
| 1912-13 | .. 55,08 |
| 1913-14 | . 76,75 |

- (a) In aid of the Allahabad University . . . 8,45 (45 recurring)
 (b) For construction and improvement of hostels .. 1,75 (non-recurring)
 (c) For the improvement of aided English secondary schools 60 (recurring)

The Government of India have also permitted the utilization of 93 out of the unallotted portion of the recurring grant of 7 lakhs included in the current year's provincial balance, so that the revised estimate for the current year is in reality 3,83 lower than the original budget. Part (1,39) however of the saving indicated is nominal being due to transfers to the budget of the Public Works department. The chief decreases, which go to make up the balance of 2,44 are 79 under Inspection, due chiefly to delay in the provincialization of the district inspecting staff, 17 under Government Colleges (General) due to the retirement and transfer of senior officers and the appointment of juniors, 28 under Government Colleges (professional) due to anticipated savings under salaries and establishment in the budget of the Roorkee college caused by the absence of officers on leave and deputation and owing to the post of instructor in cotton spinning remaining vacant, as also to the lump allotment for the textile and bleaching and dyeing departments not being fully utilized; 17 under Government Schools (General) due to expected savings in establishment charges, 36 under Government Schools (special) due to short expenditure on the Technological Institute at Cawnpore and to the lapse of the allotment of 20 for the transfer of normal schools at Lucknow and Moradabad to Sitapur and Shahjahanpur, 12 under scholarships based on the progress of actuals and 20 owing to the lump provision for the regrading of the provincial educational service remaining unutilized. There are numerous smaller variations which have not been noticed.

It is anticipated that the recurring grant of 1,50 will be spent in full during the current year as follows:—

| | Rs |
|---|----------|
| (1) In providing buildings for fifty one extra training classes for vernacular primary teachers for boys' schools | 81,618 |
| (2) On extra teachers for district board existing vernacular middle and primary schools for boys | 1,53,300 |
| (3) In opening 527 new primary schools for boys at Rs 150 per annum per school | 52,510 |
| (4) In reopening vernacular primary schools for boys which were closed for lack of fund | 67,751 |
| (5) Grant-in aid to Mrs Jwala Prasad's girls' schools, Shahjahanpur | 1,300 |
| (6) In improving the staff of certain model girls' schools in districts | 1,152 |
| (7) On industrial and technical education | 29,000 |
| (8) On the education of Europeans and Anglo-Indians | 47,000 |
| (9) On non-recurring expenditure in connection with schools for factory children | 5,000 |
| (10) In providing teachers' quarters for the female normal school at Khurja | 10,000 |
| (11) On female education | 1,409 |
| Total | 4,50,000 |

Of the additional sum of Rs 98,400, Rs. 90,000 is being spent on the building and equipment of fifty new training classes and the balance on the equipment of training classes already opened.

As regards the allotment of 4,59 made out of the balance of the Government of India's non-recurring grant of 15,91, in the current year's budget it is expected that the purely educational portion (3,59) will be spent in full on various grants to government and aided schools. It is expected however that only 20 will be utilized out of the allotment of 1,00 made for the Technological Institute at Cawnpore. On the other hand, an addition of 20 has been allowed to cover the expenditure to be incurred against the further recurring subsidy of that amount received from the Government of India.

The budget for the ensuing year provides for charges amounting to 76,75 and includes full provision for the expenditure of the Government of India's recurring grant of 7,00 as recently supplemented by a further recurring grant of 20. It also includes provision for the expenditure of 1,52 out of the balance of 2,50 held over from the current year, as also for the expenditure of the further grants of 45 for the Allahabad University, of 60 for the improvement of aided secondary English schools and of 1,75, for the construction and improvement of hostels. On the

other hand, the lump provision of 4,59 included in the current year's budget from the unexpended balance of the special grant of 15,91 received in 1911-12 has been omitted from the ensuing year's estimates

Excluding special grants from the budgets of both years that of 1912-13 is reduced to 43,04 and that for 1913-14 to 44,74 inclusive of items of new expenditure recommended by the Finance Committee. Of the excess of 1,70,—161 is for new expenditure and the balance of 9 for other expenditure, the principal variations as compared with the current year's original budget being decreases of 10 under Government Colleges (General) due to the retirement and transfer of senior professors, to the omission of a non-recurring provision in the current year's budget and to a larger lump deduction for probable savings, of 12 under Government Schools (General) due to a reduction of 10 in the current year's lump provision for the school leaving certificate examination, to a larger lump deduction of 10 on account of probable savings and to the omission of non-recurring items, aggregating 5, included in the current year's budget, counterbalanced to the extent of 9 by small increases under other heads. Other decreases are 14 under Government Schools (special) due to a net reduction of 14 in the provision for the weaving station at Benares, of 15 in the provision for the Technological institute at Cawnpore, of 20 under boys' training schools due to the omission of the current year's lump allotment, of 20 for the transfer of normal schools, to which reference has already been made, counterbalanced to the extent of 9 by higher expenditure on the Industrial schools at Lucknow and Gorakhpur, of 6 on the School of Arts and Crafts at Lucknow, of 10 on the Carpentry school at Bareilly, of 6 on Model Girls' schools, of 1 on the Reformatory school at Chunar and of 2 on the Girls' Training school at Lucknow.

Under grants-in-aid there are increases of 35 and under scholarships of 12. The new expenditure is 48 recurring and 1,13 non-recurring. The principal items of recurring expenditure are: Rs. 1,900 for the appointment of a mechanic on Rs. 50 per mensem and of two mistris on Rs 10 per mensem each together with other recurring charges, in connection with the project for electric installation at the Muir Central college, Allahabad; Rs. 2,916 for the grant of a graduated scale of library allowances to teachers in government high schools, Rs. 4,572 for improving the pay and prospects of teachers in boys' model schools attached to boys' normal schools, Rs. 3,360 for increased staff and revision of the scale of salaries at the carpentry school, Bareilly Rs. 1,440 for the appointment of a demonstrator for geology at Rs. 120—5—200 at the Thomason college, Roorkee, Rs. 5,200 on account of an increased grant to the St John's college, Agra; Rs. 3,600 as a grant in-aid to the Crosthwaite Girls' school, Allahabad, to meet the pay of a European or American lady Principal, Rs 2,684 as a grant to the Philander Smith college, Naini Tal, for its provident fund, Rs. 1,202 as a grant to the Kali Charan High school at Lucknow and Rs 3,509 for grants-in-aid to private industrial schools. The non-recurring expenditure includes Rs. 7,140 for the purchase of furniture for the Government high school at Budaun, Rs 25,000 as a grant to the Church Mission high school at Lucknow, Rs. 19,459 for a building grant to the Bengali Tola high school at Benares; Rs 25,000 as a building grant to the proposed Kali Charan high school at Lucknow, Rs 7,820 for the purchase of timber and other raw materials for the carpentry school at Bareilly, Rs. 5,000 for the construction of a vernacular middle school at Ballia, and Rs 16,333 as a building grant to the Mission high school at Farrukhabad. In addition to the above the Government of India have made a lump addition of 20,50, of which however no details have yet come to hand.

21. *Medical*.—The revised estimate for the current year is 79 below the

| | | | |
|---------|----|-------|---|
| 1911-12 | .. | 80,03 | original budget, the principal variation being a saving of 1,00 |
| 1912-13 | .. | 80,00 | in the plague allotment which is however counterbalanced |
| 1913-14 | .. | 41,23 | to the extent of 26 by provision required for the new service |

of municipal health officers; Savings under salaries of district medical officers

and reserve sub-assistant surgeons, partly counterbalanced by an increase under travelling allowance of medical officers account for a decrease of 7 in medical establishment charges. Under sanitation and vaccination there is an apparent saving of 19, apart from the expenditure for municipal health officers, but this is due to the transfer of the provisions of 20 and 6 for revision of vaccinators' pay and for village sanitation to the head hospitals and dispensaries, partly counterbalanced by extra expenditure necessitated by the appointment of two additional Deputy Sanitary Commissioners. Under grants for medical purposes there are petty savings amounting to 4 in addition to the lapse of 1,00 in the plague grant. On the other hand, there is an increase of 25 under hospitals and dispensaries due to the transfer already referred to.

The Government of India's special non-recurring grant of 8,00 for sanitation will, it is anticipated, be expended in full in grants to municipalities for drainage and water works projects, viz to the Fyzabad municipality 1,12, to Cawnpore 58, to Ballia 50, to Jaunpur 50, to Lakhimpur (Kheri) 27, to Muttra 200, to Salarampur 50, and to Agra 2,53.

The Government of India have made a lump addition of 16,25 under this head, of which no details are at present available apart from this addition the budget for the ensuing year is 5,31 below the original budget for the current year, the large decrease being due to the omission of the special non-recurring provision of 9,02 included in the current year's budget on account of the Government of India's special grant of 8,00 to which reference has already been made and 1,02 on account of a special non-recurring grant for sanitary improvements in the Act XX town of Rikhiyesh in the Dehra Dun district. Medical establishment charges are higher by 10 owing chiefly to the promotion of junior officers and to the appointment of two more reserve assistant surgeons. Under "Hospitals and Dispensaries" there is a net increase of 1,14 due chiefly to an addition of 31 under district board contributions, 25 being on account of the revision of the vaccination staff and 6 on account of grants for village sanitation, and to the inclusion of the charges of the Medical College Hospital at Lucknow (88). Smaller changes have not been noticed. Under sanitation and vaccination there is a net decrease of 9,14 due to the omission of the special non-recurring grants already referred to with smaller counterbalancing changes under other heads, chief among these alterations being an addition of 13 made in connection with the appointment of two additional Deputy Sanitary Commissioners. The only other variation of any importance is an increase of 30 in the charges of the Lucknow Medical College.

The new expenditure included in the budget amounts to 1,76 of which 1,26 is recurring and 50 non-recurring. Of the new recurring expenditure the chief items are 25, for raising the pay of assistant surgeons, 75 for the new services of municipal health officers and sanitary inspectors, 5 for tuberculin treatment in certain districts, 6 for additional grants-in-aid to the Dufferin Fund, 3 for training indigenous *dhows* at certain female hospitals, 2 for grants to the Balrampur hospital at Lucknow, 2 for the establishment of a malaria travelling dispensary in the Banda district, 4 for the revision of the pay of the staff attached to lunatic asylums and 1 for an increase in the annual grant-in-aid to the Dufferin Hospital at Agra to admit of necessary additions to the pay of nine pupil nurses attached to the Lady Lyall dispensary. The non-recurring expenditure includes 25 for a grant to the Colvin dispensary at Allahabad, 14 for a grant to the Balrampur hospital at Lucknow, 2 as a grant-in-aid to the Pasteur Institute at Kasauli towards the construction of a rabies hospital for patients, and 3 for travelling microscopes and travelling outfit for the Sanitary and Deputy Sanitary Commissioners.

22. *Scientific and other minor departments.*—The revised estimate of the current year is 35 below the original budget. Out of the grant of 1 lakh sanctioned by the Government of India for agriculture and allied objects 73 have been transferred to the Forest (70) and Public Works department (3) budgets. On the other hand, an

| | |
|---------|----------|
| 1911-12 | .. 11,61 |
| 1912-13 | .. 12,80 |
| 1913-14 | .. 12,80 |

addition of 30 has been made under the sub-head "Miscellaneous" for the payment of a non-recurring grant of that amount to the owner of the sugar factory at Pilibhit.

In the Civil Veterinary department budget a decrease of 9 is anticipated owing to a smaller quantity of serum being purchased and to savings under the head Salaries but the decrease is to some extent counterbalanced by an addition of 2 (out of the special grant of 1 lakh referred to above) for the construction of buildings at the Kheri cattle farm, and 3 for the payment of compensation to the owners of animals destroyed under the Glanders and Farcy Act. Under the sub-head "Agriculture" there is a net increase of 11, additional expenditure of 33 including 25 out of the Government of India's special grant) being counterbalanced to the extent of 18 by short expenditure under "Salaries" due chiefly to the non-appointment of an Agricultural Engineer. An increase of 3 due to the creation of a separate establishment for the Registrar, Joint Stock Companies, is more than counterbalanced by a decrease of 4 under the sub-head "Inspector of Factories" due to the abolition, with effect from the 1st July 1912, of inspection fees under the new Factories Act. The only other variation of any importance is an increase of 28 under "Botanical and other public gardens" due to provision having been made by reappropriation for a pumping machine for the Lucknow gardens (10) and to additional outlay in the city park at Agra (20).

The budget for 1913-14 is 45 above the original budget and 85 above the revised. The special non-recurring grant of 1 lakh made by the Government of India as also non-recurring grants aggregating 86 made by the Local Government—for the Aligarh Seed Farm (10), for establishing an agricultural station in Rohilkhand (30), for the acquisition of land for the extension of the Economic Botanists' plots (5), for a workshop (4), for the construction of lodging houses (3), for the purchase of land for the Agricultural college (5), for the purchase of bulls for breeding purposes (5), for the construction of show cases for the Lucknow Museum (12) and for other small items aggregating (12)—have been omitted. Provision has been made in the budget for the third Assistant Director of Agriculture, for percolation well experiments which were held over pending the appointment of the Agricultural Engineer (4), for two more trained overseers in the subordinate gardening service (2), for the travelling allowance of the deputy superintendent and additional inspector in the Civil Veterinary department (2), for compensation to owners of animals destroyed under the Glanders and Farcy Act (3), for clearing land for the Kheri bull farm (2); for the payment of an allowance to medical officers discharging the duties of certifying surgeons under the Indian Factories Act (2), for assistance to indigenous industries for exhibitions in connection with the silk industry (1), and for the establishment of the Registrar of Joint Stock Companies (4). In addition to these a provision of 3 has been made in the Civil Veterinary department budget to give effect to the proposal, which has been sanctioned by the Government of India, for the supply of tents and furniture to veterinary inspectors, and 5 has been provided as a reserve to be held by the Director of Land Records and Agriculture to meet urgent demands which may arise during the currency of the year. Smaller provision has however been made under the head "Agricultural experiments" in view of the appointment of a Sugar Engineer, the current year's provision of 4 on account of the poultry farm has been transferred to the Tara and Bhabar budget, the provision under nazul gardens has been reduced by 7, chiefly owing to the transfer of 6 on account of the Alfred Park pumping station charges to the Public Works department budget, a reduction of 8 has been made under the sub-head "Inspector of Factories" owing to the discontinuance of fees to inspectors under section 3 of the Factories Act and smaller provision to the extent of 71 has been made for the Agra city park. The budget also includes items of new expenditure aggregating 233 of which 47 is recurring and 186 non-recurring. The recurring items include 23 for the working of the (a) seed farms at Cawnpore (Rs. 6,500), (b) the Shahjahanpur sugarcane farm (Rs. 6,200), (c) the Nawabganj

(Bareilly) sugarcane farm (Rs 8,500) and (d) the Kashipur (Nann Tal) cotton farm (Rs 2,500), 8 for the Gorakhpur sugarcane farm, 5 for a scheme for starting a farm for rearing bulls in the Muttra district, 6 for the appointment of a third Deputy Director of Agriculture and 2 for the feed and keep of sheep for breeding experiments. The non-recurring demands include 50 for the initial charges of the Gorakhpur sugarcane farm, 19 for the initial charges of the Shahjahanpur sugarcane farm, 5 for contingencies of the new seed farm at Cawnpore, 5 for experiments with power-lifting machinery, 5 to complete the equipment of the Nawabganj farm and to metal the approach road to the farm; 3 for the extension of canals to the newly-acquired land for the Government experimental farm at Cawnpore, 4 for improving the position of the workshop buildings and machines of the Agricultural college at Cawnpore, 5 for experimental work in the improvement of cotton seed, 11 for a grant for the equipment and maintenance of the Jumna Mission farm at Allahabad, 38 for the initial charges of the scheme for starting a farm for rearing bulls in the Muttra district, 15 for accommodation and premises for animals at the veterinary station at Lucknow, 6 for the expansion of the Kheri farm buildings and construction of a bridge, 15 for a proposed zauana park at Lucknow, and for other small items 5. Apart from these additions the Government of India have added 60 in lump to the estimates under this head, but have not yet indicated how the money is to be spent.

23. *Miscellaneous civil charges*.—This head includes charges shown under the

| | |
|---------|-------|
| 1911-12 | 41,12 |
| 1912-13 | 41,68 |
| 1913-14 | 43,10 |

heads "29, Superannuation allowances and pensions," "30, Stationery and Printing" and "32, Miscellaneous." The revised estimate of the current year is 87 higher than the

original budget estimate. The increase is chiefly in pension charges the progress of actuals indicating an excess over the original budget of 80. Under "Miscellaneous" there is an increase of 17 due mainly to larger remissions of takavi advances; and under Stationery and Printing a decrease of 10 due to a saving of 22 in Government Press expenditure and an excess of 13 under stationery supplied from the Central Stores based on the progress of actuals.

The budget for the ensuing year is 2,29 higher than the budget for the current year, the main rise being 1,80 under pensions based on the current year's revised estimate and the rate of increase indicated by the actuals of previous years.

Stationery and Printing charges are 11 higher, increases of 16 under stationery supplied from the Central Stores and of 1 under refunds being counterbalanced to the extent of 6 by lower expenditure on the Government Press. Minor variations have not been noticed.

Under Miscellaneous there is an increase of 38, of which 15 represents a new provision for benefactions by the Lieutenant-Governor, 20 have been provided for purchase of portraits of His Majesty the King-Emperor for distribution to government offices and civil courts and the provision for contributions to district boards has been raised by 6 to compensate the Muttra district board for loss in rates due to revision of settlement. Small counterbalancing decreases under other heads have not been noticed.

24. *Irrigation*.—The revised estimate for the current year is 77 higher than

| | Works | Inter- est |
|------------|-------|---------------|
| 1911-12 .. | 35,33 | 30,86 |
| 1912-13 | 34,34 | 31,70 |
| 1913-14 | 32,75 | 32,12 |

the original budget. The increase is due to an additional grant of 1,30 sanctioned by the Government of India for tank works in Bundelkhand under departmental minor works which is partly counterbalanced by a decrease of 35 under

the same head owing chiefly to the non-utilization of the provision for the Nuh jhil project in the Muttra district. There is also a reduction of 18 under departmental major works due to the partial utilization of the provision on account of arrears of pay of revenue establishment.

The budget for 1913-14 is 82 below the original budget for the current year owing chiefly to a more careful selection of projects for inclusion in the budget. Full provision has however been made to the extent of 83 in connection

with the opening of the new Hathras branch, 5 has been added for increasing the pay of runners from Rs 5 to Rs 6 per mensem each, 18 for revision of the upper subordinate establishment and 5 for improving the pay of sub-oversseers.

25 *Civil Works*—The revised estimate for the current year is 334 in excess of the original budget. Under the Civil head there is an increase of 1,68 due to larger grants to district boards (57) and municipalities (1,14), counterbalanced to the extent of 3 by a decrease under other items. Under the departmental head a net increase of 1,66 over the original provision is shown. This is owing to transfers from the budgets of other departments, chiefly Education and Police, aggregating 3,10, and counter transfers to the budgets of other departments amounting to 25, with a net lapse of 1,29 and an addition of 10 for archaeological works which is covered by an assignment from Imperial revenues.

The new budget is 4,46 below the original budget of the current year. Under the civil head there is a decrease of 3,56 which is mainly owing to a lump deduction of 3,43 made by the Government of India in connection apparently with the scheme for the remission of appropriations from cesses. The grant under the departmental head, including new expenditure, compares as shown below with the sanctioned allotment of the current year —

| | 1912-13 | 1913-14 |
|---|---------|---------|
| Original works | 85,47 | 29,23 |
| Repairs | 20,82 | 21,46 |
| Establishment | 8,90 | 9,55 |
| Tools and plant and suspense accounts | 99 | 1,04 |
| Lump addition made by the Government of India | | 4,00 |
| Total | 65,18 | 65,28 |

The large decrease under original works is partly due to a careful selection of projects for inclusion in the budget, as far as possible only those works being included which have been finally sanctioned or which are of special urgency and are fairly certain to be carried out within the year. The new budget includes a provision of 2,75 for the High Court as compared with 2,50 provided in the current year's budget. For the Medical College a provision of 3,47 is included as compared with 10,00 provided in the current year. The new projects include 30 for the construction of a residence for the Commissioner at Meerut; 19 for re-roofing the Deputy Commissioner's office at Sultanpur, 14 for providing iron record racks for the new Commissioner's court at Jhansi, 16 for the construction of residences for two deputy collectors at Ballia; 34 for the construction of a residence for the Commissioner at Jhansi, 20 as a lump provision for the construction of tahsildars' and naib tahsildars' quarters, 15 as a lump provision for the construction of retiring rooms and bathrooms for deputy collectors in certain district offices; 10 as a lump provision for providing accommodation for litigants, 37 for electric installation in the Muir Central college at Allahabad, 14 for additions and alterations in the Government high school at Bulandshahr, 20 for additions to the Government high school at Aligarh; 13 for additional accommodation at the carpentry school at Bareilly, 16 for enlarging the Government high school at Gonda; 20 for construction of a residence for the Indian Education Service head master to be appointed to the Government high school at Allahabad, 20 as a lump provision for judicial buildings required under the Greeven scheme, 13 for constructing iron cubicles in the Gonda district jail, 30 for feeder roads in connection with the Shahdara-Saharanpur Light Railway; 19 for police outposts in the Dehra Dun district, 13 for a new police station at Talgaon in the Sitapur district, 16 for a new police station at Goshanganj, Lucknow, 15 for a new police station at Karakat in the Jaunpur district, 14 for a new police station at Dildarnagar in the Ghazipur district, 18 for a new police station at Purandarpur in the Gorakhpur district, 10 for a residence for the Executive Engineer at Gonda; 13 for the residence of the District Engineer at Almora; 30 for additions to the Lunatic Asylum

at Agra, 25 for the construction of a residence for the Superintending Engineer at Allahabad, 14 for improving the Vishnu-Pryag-Hanuman-Chatti section of the Hardwar-Badrinath road, 15 for widening and improving the Phaphamau-Malaka road, 70 for a new bridge of boats at Benares, and 30 for purchase of the Narghat ferry at Mirzapur

Details of the lump addition of 4,00 made by the Government of India are not yet available

26 *Contributions*—The current year's budget provided for an expenditure of 15,72 on this account, the distribution of which by major heads is as follows.—

| | | | | | | | |
|---------------|-------|----|----|----|----|----|------|
| 1911-12 | 22,85 | | | | | | |
| 1912-13 | 21,78 | | | | | | |
| 1913-14 | 16,00 | | | | | | |
| Education | . | . | .. | .. | . | .. | 6,70 |
| Medical | .. | .. | .. | .. | .. | .. | 1,55 |
| Miscellaneous | .. | .. | .. | .. | .. | .. | 29 |
| Civil works | . | .. | .. | .. | .. | .. | 7,18 |

Allowance was originally made for resumptions aggregating 2,24 to admit of the provincialization of the charges for deputy and sub-deputy inspectors of schools and their orderly peons, for which a special provision of 2,70 had been entered in the budget of the Educational department. It has only been possible however to resume from the boards a sum of 1,66, as the provincialization of the charges in question was only generally effected by the 1st June and in the case of a few boards from the 1st July 1912. The result is accordingly a net increase of 58, in the contributions to district boards which has however been met by reappropriation from the provision of 2,70 entered in the Educational budget. Further additions have also been made during the year from grants received from the Government of India, viz 40, for the building and equipment of twenty-eight training institutions for primary schools, 1,53 for extra teachers required for district boards' vernacular middle and primary schools for boys, 53, for new vernacular primary schools for boys, 29, for non-recurring expenditure on account of new primary schools for boys and the reopening of those primary schools which were closed by boards for lack of funds, together with 36, recurring in the case of the latter; 3, to the Benares district board for reopening girls' schools, providing additional teachers, &c, a refund of 14, to the Budaun district board on account of expenditure incurred in connection with the new high school, and 1,40, for the construction and equipment of new training classes and the maintenance of certain of such classes already opened. Other additions are 23, on account of the revision of the pay of the vaccination staff, 6, from the 5-lakh sanitation grant towards the encouragement of village sanitation, a recurring grant of 6, to the Muttra district board on account of loss in local rates due to the reduction of revenue, 40, for the construction of certain feeder roads in connection with the Shahdara-Saharanpur Light Railway, 11, for widening the Agra-Fairukhabad road between the Bank and circuit house at Agra, 1, for remetalling the orphanage road in Cawnpore, 2 for special repairs to the Tharali suspension bridge in Garhwal, 1, to Bijnor for the Tajpuri-Sheohara road, and 4, approximately for the Tejam suspension bridge in Almora. The status of the Hardwar dispensary has however only been raised from the 1st December 1912 and a grant of Rs 750 only has therefore been made to the Saharanpur district board against 3, originally provided in the current year's estimate. At the same time allowance must be made for a resumption of 2, nearly, from the Gorakhpur district on account of the provincialization of the charges for keeping the Rapti bund in repair and a resumption of 2, from Cawnpore on account of the provincialization of the canal road in that district. The revised estimate for the year is accordingly 6,04 in excess of the original budget, the distribution of this excess is as under.—

| | | | | | | | |
|---------------|----|----|----|----|----|----|--------|
| Education | .. | .. | .. | .. | . | .. | + 5,26 |
| Medical | .. | .. | .. | .. | .. | .. | + 27 |
| Miscellaneous | .. | .. | .. | .. | .. | .. | + 6 |
| Civil works | .. | .. | .. | .. | .. | .. | + 45 |

In 1913-14, apart from obligatory contributions amounting to 17,70, inclusive of the grant of 3, for the Hardwar dispensary and 40, the surplus of the ferry fund, provision has been made for recurring additions aggregating 3,59, from the grants received from the Government of India for educational purposes, the main items being 2,30, for extra teachers for district board existing vernacular middle and primary schools for boys; 79, for new vernacular primary boys' schools and 46, for reopening the primary schools for boys which were closed by district boards for lack of funds. Allowance has also been made for additions of 5, for the construction of a vernacular middle school at Ballia, of 6, for village sanitation 25, the cost of the scheme for revising the pay of the vaccination staff and of 6, to the Muttra district board for loss in local rates. On the other hand, the resumption of 2,24, on account of deputy and sub-deputy inspectors of schools and their orderlies must be taken into consideration as well as the resumption of 4, already referred to in the revised in respect of the Rapti bund in Gorakhpur and the canal road in Cawnpore. With these changes the contributions for next year amount to 19,43, the distribution by major heads being as follows:—

| | | | | | | | |
|---------------|----|----|----|----|----|----|-------|
| Education | .. | .. | .. | .. | .. | .. | 10,88 |
| Medical | .. | .. | .. | .. | .. | .. | 1,86 |
| Miscellaneous | .. | .. | .. | .. | .. | .. | 85 |
| Civil works | .. | .. | .. | .. | .. | .. | 6,89 |

The Government of India have however made a reduction of 3,43 under the last head in connection apparently with the scheme for the remission of appropriations from cesses.

APPENDIX I.

Statement showing the number of registered rural societies in the United Provinces on the 31st January 1913.

| | | | | | |
|--|-----|-----|-----|-----|-------|
| Dehra Dun | ... | ... | ... | ... | 0 |
| Saharanpur | ... | ... | ... | ... | 3 |
| Muzaffarnagar | ... | ... | ... | ... | 0 |
| Meerut | ... | ... | ... | ... | 26 |
| Bulandshahr | ... | ... | ... | ... | 152 |
| Aligarh | ... | ... | ... | ... | 4 |
| Muttra | ... | ... | ... | ... | 0 |
| Agra | ... | ... | ... | ... | 16 |
| Mainpuri | ... | ... | ... | ... | 135 |
| Etah | ... | ... | ... | ... | 13 |
| Bareilly | ... | ... | ... | ... | 43 |
| Bijnor | ... | ... | ... | ... | 35 |
| Budaun | ... | ... | ... | ... | 133 |
| Moradabad | ... | ... | ... | ... | 117 |
| Shahjahanpur | ... | ... | ... | ... | 0 |
| Pilibhit | ... | ... | ... | ... | 2 |
| Farrukhabad | ... | ... | ... | ... | 0 |
| Etawah | ... | ... | ... | ... | 0 |
| Cawnpore | ... | ... | ... | ... | 0 |
| Fatehpur | ... | ... | ... | ... | 26 |
| Allahabad | ... | ... | ... | ... | 29 |
| Jhansi | ... | ... | ... | ... | 0 |
| Jalaun | ... | ... | ... | ... | 47 |
| Hamirpur | ... | ... | ... | ... | 1 |
| Banda | ... | ... | ... | ... | 35 |
| Benares | ... | ... | ... | ... | 89 |
| Mirzapur | ... | ... | ... | ... | 3 |
| Jaunpur | ... | ... | ... | ... | 140 |
| Ghazipur | ... | ... | ... | ... | 10 |
| Balia | ... | ... | ... | ... | 0 |
| Gorakhpur | ... | ... | ... | ... | 85 |
| Basti | ... | ... | ... | ... | 91 |
| Azamgarh | ... | ... | ... | ... | 3 |
| Naini Tal | ... | ... | ... | ... | 1 |
| Almora | ... | ... | ... | ... | 0 |
| Garhwal | ... | ... | ... | ... | 0 |
| Lucknow | ... | ... | ... | ... | 31 |
| Unao | ... | ... | ... | ... | 188 |
| Rae Bareli | ... | ... | ... | ... | 110 |
| Sitapur | ... | ... | ... | ... | 8 |
| Hardoi | ... | ... | ... | ... | 172 |
| Kheri | ... | ... | ... | ... | 0 |
| Fyzabad | ... | ... | ... | ... | 58 |
| Gonda | ... | ... | ... | ... | 6 |
| Bahraich | ... | ... | ... | ... | 1 |
| Sultanpur | ... | ... | ... | ... | 132 |
| Partabgarh | ... | ... | ... | ... | 50 |
| Bara Banki | ... | ... | ... | ... | 0 |
| Total, United Provinces of Agra and Oudh | ... | ... | ... | ... | 2,000 |

APPENDIX II.

THE TABLE

| Grades | Present number | 1st stage | 2nd stage | 3rd stage | 4th stage. | 5th stage |
|--------------|----------------|-----------|-----------|-----------|------------|-----------|
| 1st | 4 | 5 | 6 | 7 | 8 | 8 |
| 2nd | 6 | 7 | 8 | 9 | 10 | 11 |
| 3rd | 12 | 14 | 16 | 18 | 20 | 22 |
| 4th | 35 | 37 | 40 | 42 | 45 | 47 |
| 5th | 53 | 57 | 62 | 66 | 70 | 74 |
| 6th | 55 | 58 | 61 | 64 | 67 | 70 |
| 7th | 58 | 56 | 53 | 51 | 48 | 46 |
| Probationers | 28 | 29 | 31 | 32 | 33 | 34 |
| Total | 251 | 263 | 277 | 289 | 301 | 312 |

APPENDIX III.

| <i>Statement.</i> | | | |
|-------------------------------|-------------|-----|------|
| (a) Deputy collectors— | Hindus | . | 54.8 |
| Ditto | Muhammadans | . | 45.7 |
| (b) Tahsildars— | Hindus | ... | 53.6 |
| Ditto | Muhammadans | . | 46.4 |
| (c) Naib tahsildars— | Hindus | ... | 49.8 |
| Ditto | Muhammadans | ... | 50.2 |
| (d) Inspectors of police— | Hindus | ... | 40.8 |
| Ditto | Muhammadans | . | 59.2 |
| (e) Sub-Inspectors of police— | Hindus | . | 49.3 |
| Ditto | Muhammadans | . | 50.7 |

APPENDIX IV.

List of official and non-official witnesses selected by the Lieutenant-Governor to answer the questions of the Royal Commission on the Public Services in India

OFFICIAL WITNESSES

- * The Hon'ble Mr D C Bailhe, C S I, I C S
- J S Campbell, Esq, C S I, C I E, I C S.
- The Hon'ble Mr H V. Lovett, C S I, I C S
- P Wyndham, Esq, C I E, I C S
- A B Forde, Esq, I C S
- The Hon'ble Mr H R C Hailey, I C S
- * A Yusuf Ali, Esq, I C S
- H. G S Tyler, Esq, I C S
- * W S Mairis, Esq, I C S.
- S P O'Donnell, Esq, I C S
- G G Sim, Esq, I C S
- J M. Clay, Esq, I C S
- * The Hon'ble Chaudhri Mahanaj Singh, Rai Bahadur, Deputy Commissioner, Hardoi
- Saiyid Muhammad Hadi, Khan Bahadur, Deputy Commissioner, Partabgarh.
- Rai Ganga Sahai Bahadur, Junior Secretary, Board of Revenue, United Provinces
- Munshi Ghanu Muhammad Khan, Deputy Collector, Etah
- Babu Sheo Prasad, Deputy Collector, Hardoi
- Babu Mohini Mohan Lal, Deputy Collector, Fatehpur
- The Hon'ble Sir H G. Richards, Kt, K C, Bar-at-Law
- The Hon'ble Sir G E Knox, Kt, LL D, I C S.
- The Hon'ble Mr Justice Pramada Charan Banarji
- The Hon'ble Sir H. D Griffin, Kt, I C S
- The Hon'ble Mr Justice W Tudball, I C S
- The Hon'ble Mr. Justice E M. D Chamber, Bar-at-Law
- * T C Piggott, Esq, I C S.
- B Lindsay, Esq, I C S
- * The Hon'ble Mr W J D. Burkitt, I C S
- Rai Pitambar Joshi Bahadur, District and Sessions Judge, Banda.
- Rai Kanhaiya Lal Bahadur, Additional Judicial Commissioner, Oudh
- Babu Kunwar Sen, Officiating Additional Judge, Moradabad.
- * Pandit Sitla Prasad Bajpai, Subordinate Judge, Lucknow
- Saiyid Muhammad Raza, Munsif, Sitapur
- Rai Mohan Lal Hukku Bahadur, Subordinate Judge, Meerut
- * Saiyid Hidayat Ali, Munsif, Gorakhpur

High Court, N.-W Provinces

NON-OFFICIAL WITNESSES

- Upper India Chamber of Commerce, Cawnpore
- British Indian Association, Lucknow.
- United Provinces branch of the Muslim League, Allahabad
- United Provinces Committee of the National Congress, Allahabad.
- The Kshatriya Upkarni Mahasabha
- The Anglo-Indian Association, Allahabad.
- Trustees, Aligarh College, Aligarh.
- Arya Provincial Sabha, Bulandshahr.
- The Hon'ble Rai Ganga Prasad Varma Bahadur
- * The Hon'ble Dr Sundar Lal, Rai Bahadur, C I E.
- * The Hon'ble Rai Nathu Mal Bahadur, C I E.
- The Hon'ble Raja Francis Xavier Shiam Rikh of Tajpur.

Mr J. H. Abbott, Jhansi

* The Hon'ble Raja Kushalpal Singh.

The Hon'ble Raja Sir Tasadduq Rasul Khan, K C S I

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur,

K C I E

The Hon'ble Pandit Madan Mohan Malaviya

The Hon'ble Dr Tej Bahadur Sapru

* Nawab Abdul Majid, C I E.

Rao Raghuraj Singh of Aligarh.

The Hon'ble Babu Moti Chand

Rai Krishna Sah Bahadur, C I E., Naini Tal

Thakur Suraj Bakhsh Singh, Sitapur

Raja Raghuraj Singh of Mankapur

* The Hon'ble Mr H. Ledgard

Pandit Gokaran Nath Misra, Vakil, Lucknow

Aftab Ahmad Khan, Esq., Bar.-at-Law, Aligarh.

Nazir-ud-din Hasan, Esq., Bar.-at-Law, Lucknow.

His Highness the Nawab of Rampur

* Revd. W E S Holland, Warden of the Oxford and Cambridge Hostel, Allahabad

- C. C. Dillon, Esq., Bar.-at-Law, Allahabad

* The Hon'ble Pandit Moti Lal Nehru.

Bishan Narayan Dar, Esq., Bar.-at-Law, Lucknow.

* Sayid Nabi-ullah, Bar.-at-Law, Lucknow

* The Hon'ble Rai Sri Ram Bahadur, C I E

* The Hon'ble Shaikh Shahid Husain, Bar.-at-Law, Lucknow

APPENDIX V.

Statement referred to in the answer to question no. 35

| Years | Total fees realized in stamps | Total expenditure on establishment including nazir's and value of service postage stamps |
|-----------|-------------------------------|--|
| | Rs | Rs. |
| 1907 8 .. | 5,65,291 | 2,11,831 |
| 1908 9 | 6,87,899 | 2,05,034 |
| 1909 10 | 7 09,458 | 2,10,044 |
| 1910 11 | 6,74,838 | 2,14,721 |
| 1911-12 | 7,19,775 | 2,17,907 |

APPENDIX VI.

Statement showing the names of the districts where village Munsifs have been appointed and were actually working during the year 1911

| Division | District | Number of village Munsifs | Remarks |
|-------------------|--------------------|---------------------------|---------|
| 1 | 2 | 3 | 4 |
| Agra . . . | Muttra . . . | 10 | |
| | Mauropur . . . | 45 | |
| | Agra . . . | 4 | |
| Rohilkhand | Bijnor . . . | 8 | |
| | Shahjahanpur . . . | 21 | |
| | Budaun . . . | 17 | |
| | Bareilly . . . | 10 | |
| Gorakhpur . . . | Gorakhpur . . . | 45 | |
| | Basti . . . | 56 | |
| Fyzabad . . . | Sultanpur . . . | 5 | |
| | Fyzabad . . . | 68 | |
| Allahabad . . . | Farrukhabad . . . | 21 | |
| Meerut . . . | Saharanpur . . . | 7 | |
| | Mirzapur . . . | 50 | |
| | Meerut . . . | 6 | |
| | Balrampur . . . | 6 | |
| Lucknow . . . | Lucknow . . . | 25 | |
| | Kheri . . . | 21 | |
| Total, 1911 . . . | | 438 | |
| Total, 1910 . . . | | 479 | |

APPENDIX VII.

Statement of income and expenditure of Weaving Schools

| Name of school. | Opening balance | Income | Expenditure |
|--|--------------------|--------|-------------|
| <i>For October 1910 to September 1911.</i> | | | |
| | Rs. | Rs | Rs |
| Tanda . . . | 1,764 | 3,460 | 2,393 |
| <i>For 1911-12</i> | | | |
| Bara Banki | 6,053 | 21,315 | 25,148 |
| Shahjahanpur | 507 | 8,177 | 8,410 |
| Deoband | 1,025 | 3,763 | 4,423 |
| Moradabad | 1,150 | 2,509 | 1,746 |
| Almora | 3,504 | 8,390 | 8,730 |
| Sandila | 100 | 2,227 | 1,871 |
| Total for 1911-12 | 12,339 | 46,291 | 50,328 |
| <i>For year ending 31st January 1913</i> | | | |
| Muzaffarnagar | ... | 4,654 | 4,309 |

APPENDIX VI.

Statement showing the names of the districts where village Munsts have been appointed and were actually working during the year 1911

| Division | District | Number of village Munsts | Remarks |
|----------------|------------------|--------------------------|---------|
| 1 | 2 | 3 | 4 |
| Agra .. | Muttra .. | 10 | |
| | Manpur .. | 1 | |
| | Agra .. | 1 | |
| Bohukhand .. | Bijnor .. | 8 | |
| | Shahjhanpur .. | 17 | |
| | Budaun .. | 10 | |
| | Bareilly .. | 10 | |
| Gorakhpur .. | Gorakhpur .. | 45 | |
| | Basti .. | 50 | |
| Fyzabad .. | Sultanpur .. | 5 | |
| | Fyzabad .. | 6 | |
| Allahabad .. | Farrukhabad .. | 21 | |
| Meerut .. | Saharanpur .. | 7 | |
| | Muzaffarnagar .. | 50 | |
| | Meerut .. | 6 | |
| | Bulandshahr .. | 6 | |
| Lucknow .. | Lucknow .. | 25 | |
| | Kheri .. | 11 | |
| Total, 1911 .. | | 423 | |
| Total, 1910 .. | | 479 | |

APPENDIX VII.

Statement of income and expenditure of Weaving Schools

| Name of school. | Opening balance | Income | Expenditure |
|--|--------------------|--------|-------------|
| <i>For October 1910 to September 1911.</i> | | | |
| | Rs | Rs. | Rs. |
| Tanda . . . | 1,764 | 3,460 | 2,393 |
| <i>For 1911-12</i> | | | |
| Bara Banki | 6,053 | 21,315 | 25,148 |
| Shahjahanpur . . . | 507 | 8,177 | 8,410 |
| Deoband ... | 1,025 | 3,763 | 4,423 |
| Moradabad . . . | 1,150 | 2,509 | 1,746 |
| Almora ... | 3,504 | 8,300 | 8,730 |
| Sandila ... | 100 | 2,227 | 1,871 |
| Total for 1911-12 | 12,339 | 46,291 | 50,328 |
| <i>For year ending 31st January 1913</i> | | | |
| Muzaffarnagar .. | .. | 4,654 | 4,309 |

APPENDIX VIII.

Receipts and charges of the Magh mela from 1906 to 1912.

| | | | | 1906 | 1907 | 1908 | 1909 | 1910 | 1911 | 1912 |
|--|-------------------|----|----|--------|--------|--------|--------|--------|--------|--------|
| RECEIPTS. | | | | Rs | Rs | Rs | Rs | Rs | Rs | Rs |
| Ground rents | .. | . | . | 10,148 | 5,066 | 3,200 | 3,718 | 1,027 | 5,324 | 5,517 |
| Shop rents | .. | . | . | 24,518 | 10,039 | 8,859 | 9,962 | 7,918 | 11,470 | 20,700 |
| Licence fees from | Divers | .. | . | 1,995 | 1,888 | 1,197 | 938 | 1,035 | 1,232 | 1,479 |
| | Boats | .. | . | 3,435 | 2,261 | 1,860 | 1,385 | 1,105 | 2,269 | 3,604 |
| | Flower sellers | .. | . | 1,386 | 1,029 | 798 | 707 | 957 | 1,165 | 1,480 |
| | Milk sellers | .. | .. | 728 | 686 | 522 | 186 | 570 | 732 | 905 |
| | Cow sellers | .. | . | 152 | 116 | 72 | 48 | 80 | 51 | 96 |
| | Calf sellers | .. | .. | 1,098 | 1,048 | 812 | 582 | 660 | 976 | 1,160 |
| | Barbers | .. | . | 10,444 | 6,832 | 5,720 | 4,584 | 6,172 | 7,216 | 9,081 |
| | Hawkers | .. | . | 1,025 | 507 | 397 | 332 | 477 | 439 | 636 |
| | Private latrines | .. | . | | | 43 | 60 | 90 | 278 | 180 |
| | Bendan | .. | . | 1,391 | 2,259 | 873 | 250 | 398 | 650 | 685 |
| | Mundan | .. | . | 1,848 | 1,984 | 975 | 278 | 335 | 747 | 340 |
| | Kanals | .. | . | 1,115 | 500 | 290 | 240 | 385 | 585 | 326 |
| | Sale of materials | .. | .. | 3,370 | 1,198 | 2,404 | 1,746 | 815 | 1,114 | 3,187 |
| | Sundry receipts | .. | .. | 877 | 48 | 15 | 35 | 52 | 29 | 1659 |
| Total, income | | | | 62,480 | 34,911 | 28,145 | 32,351 | 25,066 | 34,246 | 49,379 |
| EXPENDITURE | | | | | | | | | | |
| (1) Collection | .. | . | . | 3,567 | 1,286 | 805 | 880 | 861 | 185 | 1,724 |
| (2) Police | .. | . | . | 14,560 | 2,659 | 3,820 | 2,434 | 2,984 | 3,034 | 7,123 |
| (3) Medical | .. | . | . | 5,094 | 937 | 1,080 | 388 | 461 | 1,186 | 1,405 |
| (4) Conservancy | .. | . | . | 22,071 | 5,800 | 5,835 | 3,500 | 2,986 | 3,106 | 9,425 |
| (5) Public works | .. | . | . | 43,353 | 13,625 | 27,419 | 11,018 | 5,495 | 10,209 | 23,020 |
| (6) Compensation for land | .. | . | . | 885 | 780 | 152 | 186 | 162 | 261 | 677 |
| (7) Payments to boatmen and sweepers at Benghat and to official and non official helpers at the mela | .. | . | . | 661 | 766 | 515 | 605 | 722 | 1,404 | 948 |
| (8) To the municipality for maintenance of special roads and water supply | .. | . | . | 1,080 | 1,080 | 2,155 | 2,155 | 2,155 | 1,981 | 980 |
| (9) To the cantonment committee for conservancy arrangements between melas, &c | .. | . | . | 500 | 500 | 1,586 | 2,385 | 2,385 | 2,111 | 2,242 |
| (10) Miscellaneous | .. | .. | .. | 244 | .. | .. | .. | .. | *8,518 | .. |
| Total, expenditure | | | | 92,024 | 27,283 | 43,466 | 28,556 | 18,111 | 35,080 | 47,543 |

* On account of tents and *shouldars* purchased in 1910.

† Includes rent of land Rs 130 and wheel tax Rs 855.

N.B.—After the 1907 fair there was a surplus of Rs 12,703 but owing to the expenditure being in excess of the income in 1908 there was a deficit of Rs 2,619 and after the 1909 fair a deficit of Rs 3,324. The following year the deficit was cleared off and there was a surplus of Rs 3,181. The expenditure was greater than the income again in 1911 and the surplus was reduced to Rs. 1,697 but rose after the 1912 fair to Rs 4,083.

APPENDIX IX

The statement referred to in Council question no 56.

| Details of educational service | Total no | Number of Muham- madans |
|--|--------------|-------------------------------|
| (a) { Inspectors (including 4 in the Indian Educational Service) Special Inspectors .. Assistant Inspectors | 10 4 9 | 1 1 1 |
| (b) Deputy Inspectors of Schools, 1st grade | 3 | |
| Ditto 2nd " | 4 | |
| Ditto 3rd " | 6 | 1 |
| Ditto 4th " | 10 | 1 |
| Ditto 5th " | 25 | 3 |
| (c) Sub-deputy Ditto 1st " | 20 | 1 |
| Do Ditto 2nd " | 50 | 5 |
| Do Ditto 3rd " | 62 | 19 |
| (d) Headmasters (including 4 in the Indian Educational Service and 6 in the Pro- vincial Educational Service) of Gov- ernment High and Normal Schools . | 53 | 5 |
| (e) Assistant masters of the grades of Rs 50 and upwards . | 323 | 36 |
| (f) Clerks ditto ditto . | 43 | 2 |

| Range No District | | Class A | | Class B (1) | | | | | | | | | | | | | | | | | | | | | | | | Doms | | Sims uls | | Total no of Class B (1 & B 2) | | Grand Total |
|-------------------|-----------------|-------------|-------|-------------|------|---------|-------|---------------|--------------|---------|--------|---------|--------|---------|--------|---------|---------|----------|-------------|-----------------|---------|--------------|--------|-------|-----------|-----------------------|-------------------------------|-----------------------|-------------------------------|-----------------|--------|-------------------------------|-------|-------------|
| | | Mixed gangs | Total | Aher abs | Ahrs | Bungars | Bhurs | Chan Chamsars | Chan Mallabs | Dusadhs | Gupars | Khatols | Lodhas | Mowatis | Pasars | Badaks, | Barwars | Baur abs | Bhawapurabs | Dakars (Kahars) | Ghosars | Jagg Pathars | Gadhas | Rinds | Sonaurabs | (B 1) Locally settled | (B 2) Deported to settlements | (B 1) Locally settled | (B 2) Deported to settlements | Wandering gangs | | | | |
| 1st | 1 Dehra Dun. | . | . | . | . | . | . | . | . | . | 41 | . | . | 60 | . | . | . | 61 | . | . | . | . | . | . | . | . | . | . | . | 42 | . | 42 | | |
| | 2 Saharanpur | 599 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 61 | . | . | . | . | . | . | . | . | . | . | 155 | 451 | . | 1,312 | | |
| | 3 Muzaffarnagar | 143 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 688 | . | . | . | . | . | 43 | . | . | . | 253 | 281 | . | 1,310 | | | |
| | 4 Meerut | 129 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 51 | . | . | . | . | . | . | . | 1,025 | . | . | 1,207 | | | |
| | 5 Bulandshahr | . | . | 979 | . | . | . | . | 202 | . | 341 | . | . | 60 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 495 | . | 2,017 | | | |
| | 6 Aligarh | 371 | . | 1,641 | . | . | . | . | 21 | . | . | . | . | . | . | . | . | . | . | . | 130 | . | . | . | . | . | . | . | 894 | 245 | . | 3,113 | | |
| | 7 Muttra | 61 | . | 171 | . | . | . | . | 160 | . | . | . | . | . | . | 21 | . | . | . | . | . | . | . | . | . | . | . | 119 | 205 | . | 737 | | | |
| | 8 Agra | . | . | 70 | . | . | . | . | 74 | . | . | . | . | . | . | . | . | . | . | . | . | . | 46 | . | . | . | 14 | 40 | . | 198 | | | | |
| | 9 Etah | . | . | 404 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 102 | . | . | . | . | . | . | 364 | 235 | . | 1,151 | | | |
| | 10 Farukhabad | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 198 | . | . | 198 | | | |
| | 11 Mainpuri | 68 | . | 217 | 55 | 13 | . | . | 27 | . | . | . | 8 | . | . | 8 | . | . | . | . | 69 | . | . | . | . | 85 | . | 67 | 50 | . | 607 | | | |
| | 12 Etawah | . | . | 80 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 145 | . | . | 225 | | | |
| | 13 Jhansi | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 85 | 85 | | |
| | 14 Jalaun | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 85 | 85 | |
| | 15 Hamirpur | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 85 | 85 | |
| 2nd | 16 Bijnor | 112 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 30 | . | 30 | | | |
| | 17 Moradabad | 47 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 64 | . | . | . | . | . | . | . | . | 418 | . | 529 | | | |
| | 18 Budaun | . | . | 877 | . | . | . | . | . | . | . | . | . | . | . | 8 | . | . | . | 14 | . | . | . | . | . | . | . | 112 | 33 | . | 1,089 | | | |
| | 19 Bareilly | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 841 | . | . | . | . | . | . | . | . | 67 | 25 | . | 433 | | | |
| | 20 Pilibhit | . | . | 50 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 50 | | |
| | 21 Shahjahanpur | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 253 | . | . | . | . | . | . | . | . | . | . | . | . | 128 | . | 381 | | | |
| | 22 Hardoi | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 174 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 174 | | |
| | 23 Kheri | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 284 | . | . | . | . | . | . | . | . | . | . | . | . | 116 | 592 | . | 853 | | |
| | 24 Unao | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 181 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 181 | | |
| | 25 Rae Barhi | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 140 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 140 | | |
| | 26 Bara Banki | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 702 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 702 | | |
| | 27 Fyzabad | . | . | . | . | 46 | . | . | . | 11 | . | . | . | . | 50 | . | . | . | 51 | . | . | . | . | . | . | . | . | . | . | . | . | 158 | | |
| | 28 Gonda | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 4,190 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 4,190 | | |
| | 29 Sultanpur | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 236 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 236 | | |
| | 30 Partabgarh | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 326 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 326 | | |
| | 31 Naini Tal | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 32 | 181 | 273 |
| 3rd | 32 Gorakhpur | . | . | . | . | . | . | . | 17 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 1,457 | |
| | 33 Azamgarh | . | . | . | . | 575 | . | . | 3 | . | . | . | . | . | 114 | . | . | . | . | . | . | . | . | . | . | . | . | . | 1,440 | . | . | 992 | | |
| | 34 Ghazipur | . | . | . | . | . | . | 220 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 900 | . | . | 220 | | |
| | 35 Ballia | . | . | . | . | . | . | . | 100 | 171 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 978 | 1,258 | |
| | 36 Benares | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 401 | 695 | |
| | 37 Mirzapur | 66 | . | . | . | 294 | . | . | 22 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 543 | 565 | |
| | 38 Jaunpur | . | . | . | . | 279 | 76 | . | . | . | . | . | . | . | 266 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 37 | 28 | 615 |
| | 39 Allahabad | . | . | . | . | . | . | . | . | . | . | . | . | . | 406 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 44 | 406 |
| | 40 Oawnpore | 55 | . | . | 8 | . | . | . | . | . | . | . | . | . | . | . | . | 781 | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 82 | 1,858 |
| | 41 Fatehpur | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | 1 | . | . | . | . | . | . | . | . | . | . | . | . | 82 | 82 |
| | Total | 1,654 | 1,654 | 4,519 | 55 | 21 | 1,188 | 296 | 635 | 171 | 382 | 11 | 8 | 60 | 2,185 | 514 | 4,600 | 1,475 | 51 | 472 | 801 | 46 | 126 | 43 | 85 | 1,922 | 1,777 | 2,784 | 4,069 | . | 28,396 | 30,060 | | |

LEGISLATIVE DEPARTMENT.**ABSTRACT OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR THE UNITED PROVINCES OF AGRA AND OUDH, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO 1909.**

The Council met at the Mayo Hall, Allahabad, at 11 a.m., on Friday, the 14th March, 1913

PRESENT

The Hon'ble SIR JAMES SCORGIE MESTON, K.C.S.I., *LIEUTENANT-GOVERNOR, presiding*

The Hon'ble MR. D C BAILLIE, C.S.I., I.C.S., *Vice-President.*

The Hon'ble MUNSHI MAHADEO PRASAD, M.A., LL.B.

The Hon'ble DR SUNDAR LAL, RAI BAHADUR, B.A., LL.D., C.I.E

The Hon'ble SAIYID MUHAMMAD ABDUL RAUF

The Hon'ble RAI SHANKAR SAHAI SAHIB

The Hon'ble BABU BALAK RAM

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR

The Hon'ble BABU BRIJNANDAN PRASAD, M.A., LL.B

The Hon'ble PANDIT MOTI LAL NEHRU.

The Hon'ble RAI GOKUL PRASAD BAHADUR, M.A., LL.B

The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH, K.C.I.E.

The Hon'ble KHWAJA GHULAM-US-SAQLAİN, B.A., LL.B

The Hon'ble SAIYID RAZA ALI, B.A., LL.B

The Hon'ble SHAIKH SHAHID HUSAIN, B.A., LL.B.

The Hon'ble BABU MOTI CHAND

The Hon'ble MUNSHI ASGHAR ALI KHAN, KHAN BAHADUR, B.A., LL.B.

The Hon'ble MR. R. BURN, I.C.S

The Hon'ble MR J M HOLMS, C.S.I., I.C.S

The Hon'ble MR H V LOVETT, C.S.I., I.C.S

The Hon'ble MR. A W PIM, I.C.S.

The Hon'ble MR C. H. HUTTON

The Hon'ble MR W G WOOD

The Hon'ble COLONEL C C. MANIFOLD.

The Hon'ble LIEUT-COLONEL C MACTAGGART, C.I.E., I.M.S.

The Hon'ble MR C F DE LA FOSSE.

The Hon'ble MR. D. M. STRAIGHT.

The Hon'ble MR H R. C HAILEY, I.C.S

The Hon'ble MR. E H ASHWORTH, I.C.S.

The Hon'ble CHAUDHRI MAHARAJ SINGH, RAI BAHADUR.

The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR.

The Hon'ble KUNWAR ADITYA NARAYAN SINGH.

The Hon'ble NAWAB MUMTAZ-UD-DAULA SIR MUHAMMAD FAITYAZ ALI KHAN, K.C.I.E., K.C.V.O., C.S.I.

The Hon'ble MR F MACKINNON.

The Hon'ble DR TEJ BAHADUR SAPRU, M.A., LL.D.

The Hon'ble LALA SUKHBIR SINGH

The Hon'ble RAJA FRANCIS XAVIER SHIAM RIKH.

The Hon'ble RAI NATTHI MAL BAHADUR, C.I.E.

The Hon'ble MUNSHI NARSINGH PRASAD, M.A., M.R.A.S.

The Hon'ble MR W J D BURKITT, I.C.S

The Hon'ble MR W H COBB, I.C.S.

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[*Pandit Moti Lal Nehru*]

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The Hon'ble PANDIT MOTI LAL NEHRU moved the following resolution :—

'That this Council recommends to His Honour the Lieutenant-Governor that the allotment to education for 1913-14 be raised by Rs. 1,00,000 non-recurring and Rs. 15,000 recurring for the purpose of—

(a) Opening and maintaining additional schools for girls;

(b) Opening and maintaining training schools or classes for lady teachers, and

(c) Increasing grants-in-aid to existing private girls' schools,

and that the allotments under the heads of Police and Civil Works be correspondingly reduced.'

He said :—

"After the interesting debate of yesterday on the resolution of the Hon'ble Dr. Tej Bahadur Sapiu, I do not intend to detain the Council for more than a few minutes

"Much has of late been said and done for education generally, and in moving this resolution I must not be taken to be wanting in a grateful appreciation of the liberal policy followed by the Government in recent years. The gracious solicitude shown by His Majesty the King-Emperor for the advancement of education and the prompt action taken by the Government of India and the Local Governments in following up the Royal messages and boons with large grants of money have aroused feelings of the warmest gratitude throughout the country. The financial statement introduced yesterday bears eloquent testimony to the generosity of the Government and the keen interest it is taking in the spread of education. It is therefore in no spirit of captious fault-finding that I rise to ask the Council to recommend a further grant. My claim rests entirely on the supreme importance of female education to the real progress of the country and on the belief that more money than has so far been spared can be profitably spent on it without disturbing the financial equilibrium of the Government. In making this claim I am not oblivious of the earnest efforts made by the Government in the past nor of the handsome additional allotment made for the coming year. But, liberal as these grants are admitted to be, they are as a drop in the ocean compared to the magnitude of the work that lies before the Government.

"The case of female education stands on a somewhat different footing from that of male education. It is admitted on all hands that there is scope, not only for the 600 additional schools for boys asked for by the Hon'ble Dr. Tej Bahadur Sapiu, but six thousand and more if you can only provide the money required for them. In the case of girls, however, it is not generally conceded that there is any great need to increase the number of schools and this opinion is based on the unpopularity of female education.

"I am fully conscious of the fact that the Government has been considerably hampered by the apathy, if not the actual hostility, of the people, but apathy and hostility in matters of education are the natural outcome of the ignorance of the masses, and to adopt means to overcome this ignorance is an essential part of the programme the Government has set before itself. The policy to which it stands committed is based on the noble desire to dispel ignorance. There would be no need for education if there were no ignorance in the land. While, therefore, I fully appreciate the difficulties under which the Government has to work, I submit that these difficulties should serve as incentives to more extensive efforts. The question is: due allowance being made for the indifference of the people, can we not do better than we have done? To answer this question correctly we must look back a little.

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"The history of female education in these provinces is a short and a sad one, and may be summed up in these words 'no funds, no teachers, no pupils.' It is not worth while to go further back than the year 1904, when an influential committee was appointed to advise the Government as to what methods of advancing female education are practicable under existing conditions in this province. The committee consisted of Rai Bahadur G. N. Chakravarti as president and a number of gentlemen as members who were said to have shown practical interest in the advancement of female education.

"This committee met and after a careful inquiry submitted its report in May, 1905. The recommendations of the committee so far as they affect the resolution before the Council, were —

(1) That at least two model girls' schools (one for Hindus and the other for Muhammadans) be opened in the head quarters of every district with suitable buildings and staff

(2) That special schools be opened for girls of lower classes.

(3) That liberal grants be given to schools started by public bodies or private individuals

(4) That normal schools like the one at Lucknow be opened in other large towns. 'One for each educational circle would be none too many.'

(5) That training classes be opened in connection with every large school of any importance

(6) That lady teachers be imported from the more advanced provinces till the demand for teachers can be adequately met in our provinces

(7) That grants of scholarships be made to girls preparing at home for teacher-ship.

'This report was received by the Government with due acknowledgement of its usefulness, but when it came to give effect to the recommendations of the committee the usual wail of 'no funds' had to be raised. In his report for the year ending March, 1906, the Director of Public Instruction wrote as follows —

'To carry out the suggestions of the committee in their entirety would have demanded an additional charge of fully six lakhs of rupees a year, a sum by no means excessive for the object in view, but yet considerably beyond the power of Government to provide with its present resources. In order, therefore, to bring the cost within more moderate bounds I modified the scale of expenditure throughout, and reduced the estimate for new charges that would be incurred to something like three lakhs of rupees a year. But unfortunately the Government had to announce with regret, not only that this reduced amount was not available, but that there were no funds to make any further allotment for the purpose during the following year. Thus the financial straits of the Government made it impossible to make any large and determined effort for the furtherance of female education, however desirable and even necessary such a method might be. This admission, made as it was with regret, was received with disappointment by those who had welcomed the action of Government in appointing the committee as implying a promise of better things.'

"After noticing certain proposals involving a very much reduced expenditure the Director observed —

'It has been impossible for the Government to accept these proposals immediately on account of their cost, but something has been done, and more planned, to enlarge the Lucknow normal school; and grants have been given to classes at aided schools. These meagre measures are, however, not enough to do justice to the matter, and they will no doubt be supplemented hereafter when money is forthcoming for the purpose.'

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"Finally the chapter on female education winds up with the desponding remark : 'Thus it appears that, while the lines of advance have been marked out the great forward movement is indefinitely postponed' The same lack of funds prevented any action worthy of notice during the following year, and my honourable friend, the Director of Public Instruction, having practically no improvement to show which could be attributed to the action of the Government, took the opportunity to comment strongly on the indifference of the people. Generally speaking the rebuke was well merited, but if anything stood out in prominent relief during the particular year under review it was private effort and enterprise. The Government resolution on this report says —

'After so much that is disappointing it is gratifying to turn to the instances of private enterprise and generosity afforded by the Rampriya Kanya Pathshala at Partabgarh, the Pantab Singh girls' school at Moradabad, the Kanya Pathshala at Dehra, the Parda school of the Central Hindu College, the Hindu girls' school at Lucknow, the Rani of Tilor's school at Rae Bareilly, and the private efforts reported by the chairman of the Basti district board'

"As regards the paucity of competent teachers the same Government resolution has the following —

'The great difficulty in the way of female education is the want of competent female teachers. The normal school for female teachers at Lucknow has become firmly established, but as yet has not fulfilled its purpose of supplying qualified women teachers. Greater success has been attained at the female normal school of the Church Missionary Society at Sigra near Benares and that of the Isabella Thoburn College, Lucknow. It is now time for the Government normal school to justify its existence by providing at least a certain number of trained teachers, if the difficulty of inducing girls to attend the school can be overcome'

"As I shall presently show, the Lucknow normal school did more than justify not only its own existence, but the creation of similar schools elsewhere

"The year 1908 was noted for an important pronouncement by the Local Government and the promise of a substantial grant to carry out some of the recommendations of Mr Chakiavarti's committee. Paragraph 5 of the Government resolution dealing with the subject was as follows —

'It is proposed to spend upon the above proposals, if the public demand for assistance does not fall short of expectation, slightly over a lakh of rupees during the present year. What sums will be needed in succeeding years on these and other objects will depend upon the response which is made by the public to the efforts of Government to promote female education. It remains for the people to come forward and take advantage of its help and of the opportunities afforded for educating their girls. Without a genuine popular response the efforts of Government cannot be of much avail'

"It is impossible to take exception to a single word in the extract I have read, but it has to be seen what, if any, response was made to the efforts of the Government. This is what we find in the Government resolution on the report of the Director of Public Instruction for the very next year, viz. 1909 :—

'Female education has received a considerable amount of attention. A revision of the staff of the normal school for female teachers was sanctioned during the year. The accommodation of the school was taxed to the utmost, and some boarders had to be refused for want of room. Some new centres for training female teachers are reported to have been opened, and all those who receive a training obtain employment as soon as they finish their course.'

"What is the state of things revealed here? Why is the supply of teachers lamentably deficient? It is not for want of a genuine response to the efforts of

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the Government The accommodation afforded by the solitary Government normal school was extended and within a few short months we find it taxed to the utmost and scores of zealous aspirants to the post of qualified teachers turned away for want of room. It is customary to speak in official reports of the 'unsolved problem of teachers' Is not the solution of the problem ready at hand? Open more normal schools, more training classes, and there will be more and more qualified teachers everywhere Teachers, unlike poets, are made and not born Make them, and you will have numerous examples such as those mentioned in the Government resolution on the report of 1911 It says —

'The leaven of the desire of self-improvement is slowly beginning to affect some of the teachers Such instances as those of a teacher who endeavoured to impart instruction in a plague camp, and of an ex-pupil offering her gratuitous services as teacher in her old school as a token of her gratitude for the education which she had received afford hope for the future'

"More advanced countries than India might well be proud of examples like these But what has actually been done to satisfy the undoubted demand for more training schools and classes? The Lucknow normal school still stands in solitary glory as the one institution of its kind in these provinces, and so far as that matter goes, we are in the year of grace 1913 exactly where we were 8 years ago when Mr Chakravarti's committee recorded it as its deliberate opinion that 'one normal school for each educational circle would be none too many.'

"I do not know what improvement has been made since 1911 in the opening of training classes, as the report of 1912 has either not yet been issued or has not reached us But we know from the answer given by the Hon'ble Mr O'Donnell to a question put by the Hon'ble Dr Sapru at the meeting of the Council held on the 20th January last, that another normal school is to be shortly opened. While thanking your Honour's Government for the promise conveyed in the answer, I cannot help feeling that the opening of only one more school is a wholly inadequate provision for the great demand for teachers in these provinces We should have at least a dozen normal schools and a much larger number of training classes attached to other schools

"Passing now from the teachers to the taught, it seems to be practically conceded on all hands that, given the necessary funds and the required number of teachers pupils will be forthcoming in increasing numbers. I know that my honourable friend the Director of Public Instruction was not very optimistic about this in 1910 He then described the situation in terse and graphic language as follows —

'Altogether the accounts of female education do not make very exhilarating reading they are mainly a tale of difficulties and baffled hopes in the attempt to scale a steep wall of prejudice and passive opposition'

"I take the liberty of saying that the case is slightly overstated here. This is no doubt due to the fact that the earnest efforts made by my honourable friend have not brought in the harvest he expected to reap And here let me take the opportunity to join in the general chorus of praise which greeted my friend yesterday on his earnestness in the cause of education I do not deny that prejudice and opposition do exist in varying degrees throughout the province, but I can assure my honourable friend that so far as the more important towns are concerned there is not now any such '*wall of prejudice and passive opposition*' as is referred to by him. Without travelling far afield I may give the following facts and figures from Allahabad itself. There are several girls' schools maintained here by the effort of private individuals. The figures relating to three of these have been made available to me. The first is the Arya Kanya Pathshala with an enrolment of 160. The Government grant-in-aid is Rs. 56 per mensem and the municipal grant Rs. 25 per

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mensam Then comes the Indian girls' school for Bengali girls with an enrolment of 103 and a Government grant-in-aid of Rs 30 per mensam only. The third, the Gauri Pathshala, though the youngest of the three, is a promising institution with 97 girls on the roll. The Government gives Rs 20 per mensam only and the municipal board Rs. 40. All three of these schools are maintained by public subscription, the amount of which varies, and more frequently than not the management find themselves in sore straits. The schools are housed in hired buildings with very limited accommodation and there is no room for more pupils. Similar institutions exist in many other towns. The figures I have given relating to the three Allahabad schools clearly show that the grants-in-aid made to them by the Government are but nominal. What should be done is that building grants to some of the more deserving of similar institutions should be made and the grants-in-aid given to others so increased as to enable them to continue and improve the good work they are doing.

"I have now said enough to establish the first part of the resolution I have laid before the Council, viz the necessity for further provision in the budget for female education; and I now turn to the most difficult part of my business—that of suggesting ways and means. I have suggested in the first place that the money required should come out of the police. I have never doubted the great utility of this great department and would be loath to cut down the guardians of life and property, were it not for the fact that they have recently developed an all-devouring appetite and are already suffering from the after effects of over-feeding. The more you give them the more they want and the less they do. When you expect them to stop the depredations of the criminal classes they expect you to send them to school and teach them better manners—and for this they want a grant of one lakh non-recurring and 15 recurring—the very amount I have ventured to ask for female education. And when you turn to their own record what do you find? The account is to be found in the Government resolution on the report for the year ending December 1911. I quote the following from it:—

'The most serious feature of the returns for the year is the increase in dacoities. The number of cases for disposal rose from 562 to 674, and the number in which fire-arms were employed from 102 to 146. The majority of these dacoities were committed by members of the criminal tribes, adequate arrangements for whose control is one of the most urgent needs of the province. But, making every allowance for the difficulty of checking the depredations of these wandering gangs, the results in many districts are not creditable to the police, and there is ample evidence in the report that the vigorous use of the power at their disposal would have largely reduced the tale of dacoities. In fact, the Lieutenant-Governor regrets to find that the circle inspector is not infrequently ready to fold his hands in respect of dacoity, or even to ignore collusion between the subordinate police and the dacoits: not only so, but the authorities of one district often fail to give those of neighbouring districts the co-operation to which they are entitled. Thus in Mainpuri it is stated that the police 'have failed to deal with their own potential 'criminals', in Farrukhabad 'there has been a most discreditable increase due almost entirely to retrogression in one inspector's circle, where there has been reason to believe that notorious and dangerous criminals, notably a man called Raghunath, were working in collusion with the local police'; in Etawah 'the root of the mischief lies in the inability or unwillingness of the circle inspectors and station officers concerned to get at real potential criminals like Digga Singh and others who are still at large and have been allowed to develop into dangerous gang leaders.' The districts of Unao and Rae Bareilly 'have suffered from lack of proper supervision for some years past; serious crime has gone largely unpunished and very little use has been made of the preventive sections', and in Cawnpore 'the conduct of the police of

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two circles in shutting their eyes to the criminal proceedings of Kanjars who were living in their jurisdiction is a serious blot on the year's work . . For the ineffective supervision of circle inspectors there is only one remedy, viz greater activity in the control of their subordinates by the gazetted officers of the police' The Lieutenant-Governor after noticing the good services rendered by certain individual officers proceeds — 'The record contained in the present report shows that there are a number of districts in which the Superintendents have shown themselves to be supine and wanting in energy. It rests with the Inspector-General and Deputy Inspectors-General to inspire such officers with a better sense of their duties and responsibilities. The Lieutenant-Governor is constrained to regard the existence of dacoity within these provinces on the scale reported in 1911 as a serious blot on our administration. It is the first duty of a civilized Government such as ours to preserve the countryside from the harassment that results from these predatory gangs of robbers.'

"Comment on this is superfluous. Sir John Hewett has here unmistakeably shown that the police not only failed to do their duty, but the subordinate officials actually degenerated into actual perpetrators and abettors of serious crime. Will it next be asked that a grant be made to teach these subordinates their proper sense of duty?"

"The report of 1912 has not yet been issued, but I have every reason to hope that it will reveal a better state of things under the able direction of the present Inspector-General, the Hon'ble Mr Straight. It must be noted that he took charge of his responsible office only towards the end of 1911—the great year of dacoities.

"It has to be conceded that the reclamation of the criminal tribes is in itself very desirable. It is impossible for me to go into details, and by referring to the special police grant I have simply said what at the first blush would strike an outsider. I do not pin myself down to that or any other particular item. All I mean is that by effecting necessary economies in the general expenditure on the police the small amount of Rs. 1 15 lakh could be easily saved out of the huge total allotment of Rs. 1,24,10,000

"My alternative suggestion is that the money may be found by deducting the expenditure on civil works. Here again I will make no attempt to specify any particular item, but content myself with the general remark that some of the many new buildings determined on for the ensuing year may safely be left out of the programme. If we have been able to do without these buildings so far, we can easily do without them for another year.

"Before I sit down I must gratefully acknowledge the additional allotment of Rs 70,000 by the Government of India to female education for the coming year and thank Your Honour for the contemplated appointment of a committee to consider the whole subject of primary education. But, as will have been seen from what I have already submitted, even this munificent grant added to the already liberal provision made in the estimates falls far short of the requirements of the case. Indeed, with the further grant that I ask for being thrown in we shall only be able to make a beginning. I would therefore beg Your Honour to find more money if possible for the greatest and noblest work that can fall to any Government, viz. the uplifting of the women of the land it governs."

The Hon'ble MR ABDUR RAUF said.—

"I beg to support the resolution which has been so ably put forward by the Hon'ble Pandit Moti Lal Nehru. The question of education was most thoroughly threshed out, and in fact there is very little to say so far as female education is concerned. Your Honour, the history of education in this country, I may say, redounds to the credit of the Government or the English people who introduced education at the very commencement of their government of this country."

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[Munshi Mahadeo Prasad]

'To a great extent, I submit, Your Honour, the pioneer of education in this country was that well-known class of English missionaries that came to this country to do good to it as much as it was possible for it. And the many mission schools which are to be found even now spread all over this country bear testimony to the fact that great credit is due to the English missionaries who came to this country. While eventually we have to acknowledge also the great services that were done to the cause of education by men such as Macaulay and Trevelyan, who introduced a system of education in this country which is to be judged by the excellent fruits that it has borne. At the time when education was introduced in this country, Your Honour, owing to the special customs of this country, only the education of men had to be taken up. But now that the system has been given a trial for so many decades, and has borne such good fruits, people have begun to think what has been the cause that such excellent education has not made any progress, and has not borne such speedy fruits as it ought to have borne, and it has been discovered that the slow progress has been greatly due to the fact that we have tried to educate only half of the Indian nation, and it is now generally acknowledged that to give proper education to your boys it is necessary that their education should commence from their childhood, and the education should begin from their homes. It is impossible to give that sort of education unless their mothers are themselves educated. The girls of to-day will be the mothers of the future, and therefore it is necessary that the mothers on whose laps their children begin to speak their first words and take their rudiments of education must be educated from the commencement. That being so, and the utility of education being generally acknowledged, it is necessary that there should be female education introduced in this country upon a more extensive scale, and it is that desire which has prompted my honourable friend Pandit Moti Lal Nehru to put forward his resolution before this Council. But in his desire to induce the Government to make a better provision for the spread of education, he has chosen, or rather he has thought fit, to ask Your Honour's Government to cut down the estimate which has been made for the police. While making this sort of proposal, that is to say, proposing an amendment in a budget which has been prepared with so much care and caution, he ought to have been a little more practical. My friend has tried in a general way to show that the police in these provinces has not done its duty to the extent to which it is subsidized by the Government with money. The police, Your Honour, is a very useful department of Government. It is all very well to say that too large a provision has been made in the budget for its upkeep. We here are so safe in Allahabad under the aegis of the British Government that we can talk freely as much as we like. But the moment the hold of the police from the public is taken away, the moment the police do not look after our comforts and our peace as they now do, we will not be discussing so freely as we do in this council chamber. A provision of a lakh of rupees is not too large, and if my friend had gone into the details, and had taken a little trouble to find out what were the reasons for which those special items were put down, I have not the least doubt that he himself would be the last person to suggest a retrenchment. So, while I support the resolution which my friend has put forward, I do not agree with the proposal that he has made with reference to the cutting down of the police budget."

The Hon'ble MUNSHI MAHADEO PRASAD said :—

"The resolution that has been so ably moved by my friend, the Hon'ble Pandit Moti Lal Nehru has my entire support. The first three portions (a) (b) (c) are very important in view of the necessities of the country. So far as female education is concerned the public has been trying to do whatever it can in this direction, but I submit that the funds at the disposal of the municipal boards and the district boards

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[Khwaja Ghulam-us-Saqlain]

are insufficient to make any material progress in this direction. There are other demands on municipal bodies, e.g. town improving, water supply, opening of congested areas, roads and so forth. Even with all their efforts for spending 5 per cent of their income on education the municipal bodies are not in a position to do much, and so I submit that the resolution moved by the Hon'ble Pandit is worthy of every support. By way of example I will draw Your Honour's attention to an institution that was started in Benares in 1908 with a grand ideal of supplying the public with female teachers and peripatetic school mistresses as also with a view to providing means for *pardah* ladies who are destitute and respectable. That institution is not a local institution, it is a divisional institution. When that institution was started in 1908 men from all the districts in the division were put on the committee. All the municipal boards and district boards promised contributions and there was a lady graduate appointed as a principal of that institution—Miss Ram. That institution went on and is at least still in existence, but the demands on the purse of the municipal and district boards made it impossible for those bodies to continue their contributions and now, Sir, at present there are only 2 sources of income, viz. one from the Benares municipality and the other from Government. Government gives Rs 100 and the municipality Rs 100. Although we have got in Benares a keen educationalist in the person of Mr. Streatfield—the Collector—still we are not in a position to build a school house and a hostel intended for *pardah* ladies. I submit, Sir, that it is in the fitness of time to allot the sum asked for by the honourable mover. I would further submit in this connection that in Benares division the members of the committee tried for funds for a school building, but they could not raise an adequate amount, and if this sum, which is a non-recurring amount, and also a recurring one, were sanctioned I feel sure that we shall be able to carve a slice of that grant for enabling us to push on the scheme which has been in existence for some years past. The demand for education and the maintenance of the existing schools is a legitimate charge on the recurring side of the budget, but improvements are intended to form a part and parcel of the non-recurring grants. With these remarks I would support the resolution. Regarding the other portion of the resolution which relates to the curtailment of the Police budget or the Public Works budget, the only thing which I would bring to Your Honour's notice and before this Council is that the demand is increasing, and we must devise means to meet these demands and put the girls' schools on a firmer basis.

"I would further submit that we have got other items which we can curtail besides the Police, and if we can meet the demands from other sides and also retrench something from the Police or the Public Works department I submit, Sir, that we shall be able to meet the demand on the spot. As to the benefits of female education, no real reform in the direction of sanitation would be possible until the mothers were educated, because then the reforms will commence from the homes of the future citizens of India. With these remarks I support the resolution."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN said—

"The extraordinarily interesting and elaborate speech of the Hon'ble Pandit Moti Lal Nehru was unfortunately not heard by me. If this hall was built with the specific purpose that speeches and remarks of gentlemen on one side should not be heard by gentlemen on the other side, then I think it has performed its duty very properly. Personally, Your Honour, I would not care that a whole table should be given to me, if we could sit more compactly and if we could hear the arguments of the learned speakers—for instance if there were four semi-circular benches of 12 members each, we could easily hear what was passing.

"Coming to the resolution, I would submit that of course it is academic, though it may be of an educative nature. The resolution is sure to be withdrawn, and therefore there is an air of uneasiness in its discussion, and that is the reason

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that I see no ardent desire on the part of the members to speak in behalf of it. As regards the education of girls I would submit one thing. This is not that there is too little provision in the budget, but that in the matter of giving help to girls' schools technical rules should not be strict and the Government should help such schools as do not come up to its standard. Unfortunately my community the Moslems are even more backward than the general Indian community. But we have makhtabs and many small schools where religious instruction is given and Arabic and Vernacular taught, and I believe among the Hindus there are pathshalas. I would suggest to the Director that, following the lines of an eminent English poet he should be 'to their virtues very kind, and to their faults a little blind,' and that a generous sympathy should be extended to these schools, which must be defective from a technical and European point of view. Well, these are very backward schools, but I will give an instance of a school that has been established by very highly educated persons. I mean the Muhammadan girls' school attached to the Anglo-Oriental College at Aligarh. I believe that, notwithstanding a number of promises no monetary help has been given to them, owing I think, to misunderstanding about the rules by which the school ought to be bound. In extending female education, which I believe is one of the most sincere desires of the European community, it should be one of the principles that should guide the action of the officers of the department that they should adapt themselves to the circumstances of the country and not import those ideas and those principles which have been imported successfully after 80 years' British rule in these provinces, and we should not make girls' schools follow all the directions of the department before help is given to them.

"We should be thankful to the honourable gentleman who has moved the resolution because he has brought the question to the notice of the public, as the public very carefully reads the deliberations of this Council. Therefore by reading the very learned speech of the learned member they might be induced to take more interest in this important subject of female education, and I believe they are not yet alive to its importance, being immersed in other things. But the time will come when the Indians and the Government both will appreciate the great importance to the future of India of the question of the education of the mothers and of the education of the future authors of the mental attitude and happiness of Indians, that is, woman."

The Hon'ble DR TEJ BAHADUR SAPRU said —

"After my experience of yesterday I confess that I rise with a feeling of diffidence as to the prospects of this resolution before the Council. But at the same time I owe it to myself as well as to my educated countrymen to say that I strongly and whole-heartedly support the resolution moved by the Hon'ble Pandit Moti Lal Nehru. The resolution divides itself into two parts. The first part deals with the question of female education. The second part deals with the question of means. So far as the second part of the resolution is concerned, I shall not offer any more remarks than those already offered by the Hon'ble Pandit Moti Lal Nehru. I shall only observe that he has added to my voice yesterday in asking that there should be a limit put to the demands of the Oliver Twist, I mean the Police, on the Government of these provinces. Coming to the first part of the resolution, I must say that the question of female education cannot be dealt with as an isolated question at all. We must remember the social system to which we are subject, and when we remember it, we are bound to realise and recognise the enormous difficulties that lie in our way. But we must face those difficulties as men, to tide over them and not submit to them. How do we stand in the matter of female education? Let us take a brief survey of female education in these provinces. There are two ways of considering this question—one by comparing our position with the other provinces, and secondly

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[*Dr. Tej Bahadur Sipro*]

taking an absolute view of our position in these provinces. Now, from the gazette from which I quoted yesterday, I find that the percentage of female scholars in public institutions for 1911-12 in the various provinces is as follows —

| | |
|------------------------------|-----|
| Madras | 6.6 |
| Bombay | 6.9 |
| Bengal | 4.6 |
| Eastern Bengal and Assam | 5.6 |
| The Punjab | 2.7 |
| Burma | 8.5 |
| Central Provinces and Berar | 2.6 |
| North-West Frontier Province | 1.5 |

and we come very close to the North-West Frontier Province with a percentage of 1.4

"That is our position in comparison with other provinces and I submit that it is by no means an encouraging position. Then let us consider the question from the other point of view. As the contention has been made that there has been an increase in the number of female scholars during the last six or seven years, I shall quote some figures from the same gazette

"In 1906 and 1907 the total number of girls in these provinces was 35,152

| | |
|--------------|--------|
| In 1907-8 | 43,166 |
| „ 1908-9 ... | 44,319 |
| „ 1909-10 .. | 41,529 |
| „ 1910-11 .. | 42,366 |
| „ 1911-12 .. | 48,394 |

"So that during the last six years there has been an increase of nearly 18,000 odd. We must welcome such an increase, though we must at the same time admit that it is by no means a very satisfactory increase, and that the figures are by no means very encouraging. This being the state of things, the question arises what has the Government done for the further expansion of female education in these provinces? I find that a sum of Rs 30,400 was set apart for female education out of the grant made in 1907 and this grant was subsequently increased to Rs 62,000. In the next year another sum of Rs 37,000 was given for female education of all kinds, which was subsequently increased by Rs 10,000 in 1910 and 1912. There is no doubt an increase in the expenditure but, I again submit that it is far from being adequate. Another change is that the pay of school mistresses has been raised and lastly I find that some years ago local female education committees were appointed, but according to the opinion of the Director of Public Instruction these committees have not been a great success in these provinces. I am prepared to admit that something has been done, but what I submit is that a great deal more remains to be done, especially in the way of supplying female teachers and there I recognise the difficulty. I quite appreciate the point of view of the Director of Public Instruction and I agree with him that it is by no means an easy task to get a sufficiently large supply of teachers, having regard to the social prejudice and also the fact that our women are not easily persuaded to adopt independent careers. There are no doubt the difficulties, but still I submit there is room for work, honest, continuous and unflinching work; and so far as that matter is concerned I submit the Government and the people should heartily co-operate. When I remember the condition of things in the bigger towns in these provinces, for example, Allahabad, Benares, Agra, Lucknow, I am somewhat hopeful. I think the light will go down from the bigger districts to the smaller districts and the department of Public Instruction will do well to invite public co-operation more regularly in the bigger districts and thus it will set a

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[*Babu Brynandan Prasad, Rm Gokul Prasad Bahadur*]

good example to smaller districts and lead the way for better results in those districts.

"With these few remarks I beg to support the resolution"

The Hon'ble BABU BRIJNANDAN PRASAD said —

"I am not in the confidence of the Hon'ble Pandit Moti Lal Nehru, so it is impossible for me at this stage to say whether the forebodings of the Hon'ble Khwaja Ghulam-us-Saqlain will prove true or not, and whether the resolution will be withdrawn. I therefore rise to say a few words in support of the resolution. I think, Sir, outside the Council there may be certain gentlemen who may be against female education. But inside this Council there is no gentleman here who is not fully convinced of the advantages of female education. Woman is the supplement of man, and therefore no progress, whether sanitary, moral or religious, can be made unless there is a simultaneous and harmonious development in both parts, and unless there is a progress on all sides. So, Sir, I think it is necessary that, while there is so much being done for the education of boys, something should also be done, and on a grander scale, for the education of girls. During the last ten years, that is from 1901—1910, something has been done, and now the girls are more educated than they were formerly. But still the progress is not on such a scale that we can be satisfied with it. Even now, as suggested by my honourable friends, it appears that there is stupendous illiteracy and ignorance and so long as that ignorance continues, I do not think, Sir, that any real progress either sanitary, moral or religious, can be made in these provinces. It was said by my honourable friend Pandit Moti Lal Nehru that formerly there was apathy and hostility on the part of the parents and also on the part of the girls themselves, and they did not care much about their education. But I am glad to see now that that indifference has gone down and we find parents sending their girls to schools, and so, of course, there is no reason now to doubt that if Government will come forward to help, the parents will not take advantage of the facilities offered. Only lately Your Honour went to Moradabad and saw the girls' school there. You must have observed that the girls flock in such numbers that the accommodation there is barely sufficient for them and they have to use the verandahs and roof for sitting. I think that if money is granted to such schools both for the improvement of the building and of the staff much good can be done. I would not detain the Council longer now, and I support the resolution of my honourable colleague."

The Hon'ble RAI GOKUL PRASAD BAHADUR said —

"I rise to support this resolution. It is not the time for me to speak about the advantages of female education. I must, however, say that, having regard to the great need of funds for this purpose, the figure which the Hon'ble Pandit Moti Lal Nehru asks to be added to the allotment for female education is a very modest one indeed. If we look at the report of Mr. Chakravarti, the chairman of the committee appointed some years ago to advise Government on the most effective methods of extending female education, we find that if his recommendations were to be followed in their entirety, the cost would have amounted to about 6 lakhs. My honourable friend the Director of Public Instruction, who takes a very keen interest in the progress of female education, modified the scale of expenditure and brought down the amount within the bounds of possible allotments by reducing it to 3 lakhs, but unfortunately even this modest estimate was not sanctioned by the Government. We now find from the report of the department of Public Instruction that during the year 1906 a lakh and 71 thousand were spent on female education, and from the report for the year ending 31st March 1910 we find that the amount spent on female education was a little less than 1 lakh 72 thousand odd. That is to say, notwithstanding the recommendations

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of Mr. Chakravarti's committee, the Government did not find it possible to increase the grant for female education by more than Rs 2,000 in the period of four years. Nothing appreciable in the matter of increase has been made since 1910, although it seems in some of the more favoured departments the increase has been more marked. It is absolutely necessary that an increase of at least a lakh of rupees should be made towards the funds allotted for female education. As an example of the urgent necessity for funds for female education, I may mention the case of the Crosthwaite Girls' High School at Allahabad. Those who have been working on the committee for the last four or five years know that almost every year the want of funds has stood in the way of our getting better boarding house accommodation and other buildings, and the result has been that they have been postponed for the last four years, notwithstanding the great efforts of our late Secretary, Mr Karamat Husain, who devoted a good portion of his time towards this cause. The erection of a boarding house only required Rs 15,000 to Rs 20,000, but this had to be postponed from year to year simply on account of lack of funds. Now, I give this as an example that more funds are absolutely required for the improvement of female education, and with these remarks I support the resolution."

The Hon'ble LALA SUKHBIR SINGH said —

"I beg to support the first part of this resolution with much pleasure, viz. that more money should be provided for female education. There was a time, Sir, when there was an apathy on the part of the people towards female education but now we find that it is not the case. Everywhere we find new schools opened for girls and the people willingly send their girls for education to those schools. In Muzaffarnagar there was formerly one small girls' school, but now we have opened there a large school called 'Hewett Model Girls' School' which was visited a few days ago by our worthy Director of Public Instruction and he can tell this honourable Council how largely attended that school was and how much pleased he was by what he saw there. Similar is the case at Meerut, where a girls' school has been opened and the Director visited that school too. All this shows how much more interest the people now take in the education of their girls. Therefore, Sir, I beg to support this resolution. The money can be paid from the Police, the Civil Budget or from the balance which is happily much more than the minimum required under the rules."

The Hon'ble SAYYID RAZA ALI said :—

"It seems to me that the question before the Council is a twofold one. It has a social aspect and then again it has a political or, if I may so call it, an administrative aspect. It is a social question, inasmuch as it is the duty of all of us to educate our wives, sisters and daughters. It is also the duty of the State to fight against ignorance wherever it is found to exist, whether this ignorance exists among boys or girls, it should be dispelled and every effort that the Government can make should be made in order to give at least elementary education to the girls. I daresay that much has been done by the public in this direction of late. The honourable gentleman has stated it, and it is my experience too, that in every big city, town or village efforts are made by educated people at least to impart elementary education to the girls living in that place. We cannot say that the Government has been totally behind time in this respect. The Government has also done something. The only question is whether what the Government has been able to do is enough and whether it will go very far to satisfy the aspirations and needs of the country. Your Honour, it seems to me that in a budget which provides Rs. 1,11,86,000 under the head of police and which provides Rs. 46,58,000 for civil works, surely some way must be found at least to secure one lakh of rupees for the

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[Mr. Shahul Husam.]

education of girls I do not think it is too much to ask that the sum required should be proportionately distributed between the department of Police and the department of Civil Works. Surely it is not too much that the budgets should be proportionately reduced and one lakh of rupees devoted to the education of girls. In this connection I notice that the Government of India have been pleased to make us a grant of 7 lakhs of rupees, but I regret to find that out of the seven lakhs only a paltry amount of Rs. 70,000 has been allotted to the education of girls. Again, I submit that out of the Rs. 70,000 (that means exactly 10 per cent) I do not consider that the grant (the population of girls exceeds only a little the population of boys which is 10 per cent), is enough. I do not mean that the motion of the Hon'ble Pandit Moti Lal should be accepted in all its entirety. What he is fighting for is a question of principle. The real thing is that more provision should be made for the education of girls than what has already been made. I believe he will be quite satisfied and surely all of us will be satisfied if the Government is prepared to devote, if not one lakh of rupees, at least Rs. 50,000 to the education of girls."

The Hon'ble MR. SHAHID HUSAIN said —

"I beg to support the resolution which has been so ably moved by the Hon'ble Pandit Moti Lal Nehru, and I also sincerely hope that the apprehensions of my learned friend the Hon'ble Khwaja Ghulam-us-Saqlam will not prove true, and that the debate today in this Council will not turn out to be merely an academic discussion as to the advantage of female education. The necessity of female education and its principles have already been discussed at length today. What I press now is that instead of pious wishes we should face the practical position as it exists, and although some of my learned friends have referred to the apathy of the people, in this instance I am sorry to say that the apathy of the people is not so great as the apathy of the Government. I do not know, Sir, what very energetic, what very particular steps have been taken by the department for the introduction of female education in larger cities or in the smaller towns. I am not aware whether the inspectors have had any special directions to find out the requirements of the localities where schools should be opened or what assistance they ought to render to existing institutions. Several years ago a committee was started in Lucknow and I have heard very little about it lately. The public, no doubt, have some responsibility in the matter, but at the same time the responsibility of education cannot be shifted entirely on to their shoulders. That responsibility must rest on the department, and it remains for the department to take energetic and active steps for the propagation of this particular branch of education. Some schools have been opened out by private enterprise in cities, but so far as my information goes, the department does not take that interest which it should take in these schools. The department ought to come forward freely with assistance, not only pecuniary assistance, but also advisory assistance to improve these institutions and provide all necessary funds. I sincerely hope, Sir, that this resolution will not be withdrawn and that the money will be found from some source. As regards that part of the resolution which suggests that the money should come from the Police, I have already expressed myself yesterday. This unfortunate department is one at which we always hurl stones whenever we get an opportunity. I regret that I cannot agree to any deductions being made from the Police budget. I beg to suggest that the Civil Works should supply the required amount. There is one item which was brought to our notice in the finance committee meeting and that is as regards the new bridge of boats at Benares. It is alleged that the bridge of boats is wanted because there is now congestion of traffic on account of the frequency of the railway connections between Benares and Moghul Sarai. I see now that Rs. 70,000 has been added in the budget for the bridge of boats. I apprehend that this Rs. 70,000 will not be sufficient for the purpose. More money will be needed.

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[*Rai Ganga Prasad Varma Bahadur, Rai Shankar Sahar Sahab*]

The question of urgency is that there is delay in traffic of bullock carts passing on their way to Benares. I submit that this money ought to come from the railway. I think the railway should come forward and have a pontoon bridge to relieve them of the crush. As to the increase in the amount required for education of females, Rs 15,000 has been asked as a recurring grant, which is not too much and which ought to be granted. I hope this debate, Sir, will bear its fruit at least to this extent that the Educational Department will take a more lively and keener interest in the education of the girls than they are doing at present."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said —

"As one of the members of the committee which sat 10 years ago to thoroughly go into the question of female education, I think I should not silently vote on the question. I heartily support the motion of the Hon'ble Pandit Moti Lal. I have only to make one observation. Reference has been made to the district committees. It has been said that district committees have not been a success. I happen to be a member of a committee at Lucknow. I think I am not ready to plead guilty to the charge. The fact is that we have got very little to do. We have no funds to distribute, no schools under our control and no advice to give to anybody. I was surprised to hear yesterday from the Hon'ble Mr de la Fosse that he had some difficulty in spending money allotted to female education. He could not spend all the money which was allotted. Had I known this, I would have asked him to take me in his confidence and to give me some money to devote to female education at Lucknow. I would have opened more primary schools in Lucknow and elsewhere. I am very thankful to the Director for the encouragement which I have received from him in the matter of female education. Of course I have no complaints to make regarding the schools at Lucknow as the Hon'ble Pandit Moti Lal had to complain about the schools in Allahabad that they are given very little aid. We have been receiving Rs 200 a month in aid of the Hindu girls' school, Rs 82 a month in aid of the Anglo Bengali school and so on. So our experience practically has been much more pleasing and encouraging than the experience at Allahabad. If more money were provided in the budget I am quite sure there will be no difficulty in spending it. I think even 6 lakhs can easily be spent. I think we are very moderate in our demands and nothing will please us more than to find today that Your Honour's Government is able to provide that grant of money which 10 years ago the committee had asked the Government to provide."

The Hon'ble RAI SHANKAR SAHAR SAHIB said —

"My division is a new creation for sending a representative to the Council, that is the Bundelkhand division, and if such an important resolution was not supported by a representative of that division, I submit I shall have not discharged the duty which the district and municipal boards have entrusted to me. Sir, the resolution is such that it will find support from every corner, and to it I accord my whole-hearted and unqualified support in so far as it concerns the demand for a lakh of rupees, non-recurring grant, and Rs 15,000 recurring grant. As the rules of the Council provide that any honourable member submitting a resolution for an increased expenditure should also advise, or at least suggest, means for finding out that expenditure, I submit that my honourable friend Pandit Moti Lal has found it necessary to demand the money from a department to which the largest proportion is given, that is 1 crore and some lakhs and also from the Civil Works. In Civil Works budget, as will be noted, a good deal of money, at least 5 per cent, is provided for contingencies on original works. If we reduce the demand a little on contingencies, I submit a good deal of money may be forthcoming to be spent on other projects. It will not, in any way, impair the efficiency of the department, or in any way tell upon the expenditure which they have to meet if only economy is observed, and which it is necessary to observe in all such matters. It cannot be said now, since

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[Munshi Narsingh Prasad]

within the last 6 years the number of female pupils coming to guls' schools has nearly doubled, that pupils will not be forthcoming to attend the schools. Only a few years ago we started, at any rate the Department of Public Instruction started, a model girls' school at Jhansi. In the beginning there was some lack in the attendance of pupils, but now, this very year, the number has increased, and the department had to provide an assistant teacher for that school. No model school was given to the Muhammadan guls, and the district board of Jhansi, to which body I have the honour to belong, had to provide a school for Muhammadan guls at Jhansi. The attendance of the guls, or the number on the roll, is more than 40 or 50 in that school. Private enterprise has not also failed to provide means for the education of guls in Jhansi itself. Our missionaries, who have always been furthering the cause of education in India, have from the very beginning provided education for females at Jhansi, and those schools are also not wanting in attendance of female pupils. But, of course, we have experienced and are experiencing difficulties in getting trained teachers, and it is necessary, as the honourable member has moved, that some provision should be made for opening and maintaining training schools for lady teachers. It cannot be said that one school or another school, which Your Honour's Government has expressed may be opened, is sufficient to provide a sufficient number of teachers for these schools and it is necessary that provision should be made for opening such schools. Then, district boards and municipal boards have been doing all they can in giving grants to provide schools, but the funds at their disposal are not sufficient to encourage the education in the way they ought to do. They have been spending as much as they can, but there are other requirements which are some strain on their purse, and therefore they cannot spend all they wish to do. It is no doubt that, as the Government of India in their educational resolution rightly remark, the number of females under education is quite insignificant when compared with the number of females that ought to get education, and every effort should be made and no stone left unturned to further the cause of education. So, without in any way suggesting where the money should come from—the Police or from the Civil Public Works—I submit, Sir, that Government should find out some way to meet the demand of my honourable colleague Pandit Mohi Lal Nehru."

The Honble MUNSHI NARSINGH PRASAD said —

"The subject of female education has been discussed threadbare by many social reformers, and the necessity and the importance of it are being generally recognized even by many of those who are averse to change and who are ever ready to cry 'danger' when any reform is introduced, especially one that affects their womenfolk. The education of guls is being valued as tending towards the social emancipation of women and is becoming an appreciable factor even in the marriage market. Time was when India could boast of women who could hold their own against men in ability and learning, who were well versed in literature and science and who were enlightened and educated enough to be the guides and counsellors of the young and friends and companions of the old. But where is such a woman now? Concealed behind the inviolable pardah, denied even free light and air, secluded from the male relations of her family and even from her husband for the greater portion of the day, burdened even at the age of 13 or 14 years with the weight of a sickly baby in her arms, the embodiment of ignorance and superstition, does she sit now, a mere shadow of the woman of the olden times, a thing to be pitied and deplored. The only consolation is that western influence has been gradually penetrating the inner walls of the zanana, and efforts are being made to educate girls and to bring them out of the most abject state of darkness and ignorance into the light of knowledge and advancement. But all the efforts of the social reformer will be of no avail if there are not enough girls' schools scattered all over the province and a large

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number of lady teachers to impart knowledge to girls in schools and to women in the *zanana*. It must be thankfully acknowledged that the Government is alive to its duty in the matter of female education and has been doing much towards the spread and extension of education amongst girls. But much still remains to be done and more money should be provided for the purpose. If we could get lady teachers enough to meet the demand, female education will advance by leaps and bounds. The opening and maintaining of training schools or classes for lady teachers and giving them every encouragement in the shape of handsome emoluments is a thing that is of first-rate importance. Without lady teachers the cause of female education is bound to fail. The employment of peripatetic governesses will also be found to be a most useful auxiliary to the regular school system, inasmuch as ladies of well-to-do families will be able to profit by private tuition through their agency. But of course the advantages of the regular school system are very great, because it is through that agency alone that female education can extend its far-reaching influence and spread itself into the nooks and corners of the female world removing the great mass of superstition, illiteracy and ignorance which is stifling the very life of Indian society. Let girls' schools be opened wherever there is a demand for them, train lady teachers to teach girls, and encourage private efforts towards the spread of female education by giving liberal grants-in-aid to private schools which are languishing for want of funds, and you will find that in the near future the difficulties that beset the advancement and spread of female education will be removed and the goal we are aiming at reached. It is for these considerations that I heartily support the principles of the resolution that has been so ably moved by my friend the Hon'ble Pandit Moti Lal Nehru."

The Hon'ble MR DE LA FOSSE said —

"I take this opportunity to acknowledge gratefully the kindly way in which certain Hindu and Muhammadan members of this Council have spoken of my work. I can only assure them that in moments of despondency which must occur in such a heavy work as I have to perform, I shall remember their kindly encouragement and take heart. I shall leave the replies to such doughty champions as the Hon'ble Pandit Moti Lal Nehru, the honourable Mr. Abdur Rauf and the Hon'ble Dr. Tej Bahadur Sapru, and to my Hon'ble friend Mr. Burkitt, who has shown us yesterday how capable he is in debate of dealing with arguments practically. I will confine myself to a few points concerning my department directly which came up in the course of discussion, and to certain criticisms which one or two honourable members felt it necessary, with some reluctance, to make. The Hon'ble Khwaja Sahib complained of the rigidity of departmental regulations, and stated as his opinion that in consequence of them the progress of female education was being somewhat impeded. I was not quite sure at first to what he was referring, but so far as my experience goes, and from what I myself have seen, the inspectresses do everything they can to encourage every effort, however small it may be, so long as there is any hope of progress, and from what I have myself seen from visiting these schools, I find there is no attempt to force upon them any rigid system. Only a few days ago I was visiting in Allahabad the school called the Arya Kanya Pathshala, where I found that considerable progress had been made of late, and I was pleased to notice that the chief inspectress had encouraged the management to strike out into a new line of experiment. I can assure my friend that any hopeful experiment will always have the support, sympathy and encouragement of my department. He then refers to the want of assistance, to the fact that assistance was not given to small indigenous girls' schools in districts and municipalities. If this is so, I am afraid the blame must lie at the door of the district boards and municipalities, in so far as that with the funds at their disposal they do not give assistance. But I can assure you that my experience is entirely different from that of the honourable

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member I find the district boards sympathetic and encouraging, endeavouring to promote female education, and assistance is given to the best of their power to aid such indigenous schools as ask for it, and could, in any circumstance, be given aid. Then he referred to the want of sympathy of the department in such enterprises as that of the Girls' school belonging to the M A O College at Aligarh. He told the Council that though the school had been started for some years, up to the present it had received no aid from Government. He is entirely mistaken. So far from not receiving aid from Government, from the moment it was started it has received half the cost of expenditure and maintenance.

"I will now turn to a few remarks of Munshi Gokul Prasad, who, speaking of the Crosthwaite Girls' school, spoke of the ill success as due largely to want of assistance from Government. I think my honourable friend cannot be well acquainted with the past history of the school. So far from the want of success being due to want of expenditure, I may mention that the cost per scholar at the Crosthwaite Girls' school is actually higher at the present moment than in any other school in the province and that Government gives it a very generous grant-in-aid. In addition to this, the Crosthwaite Girls' school has a sum of money (I am not quite sure what the amount is) about Rs 10,000, for the erection of a hostel. This money has not yet been expended, although it was given two years ago, so that if the Crosthwaite Girls' school is not making progress it is not on account of want of assistance from Government. As a matter of fact, there is at the present moment a sub-committee of the committee of management sitting to discuss the reasons for the want of success, and it is about to make, at least I hope it is about to make, a report as to the steps which should be necessary to improve the school. In the meantime, if we turn to page 12 of the Hon'ble Mr. Pim's financial statement, it will be found that Government has entered in the budget Rs 3,600 as a grant-in-aid to the Crosthwaite Girls' school at Allahabad to meet the pay of a European or American lady principal. This was done at the suggestion of the committee. I think, therefore, that the treatment that the school has received from Government is sufficiently generous.

"I now come to impatient idealists like my friend the Hon'ble Mr. Shahid Husain, who are inclined to scold the department for its want of energy. I feel quite sure that as soon as the quinquennial review of the department is in the hands of my honourable friend and he is able to read the chapter on female education, he will feel much more tolerantly inclined towards the department and its efforts. The charges were of such general nature that I am afraid it is impossible for me to deal with them in detail. My friend the Hon'ble Babu Ganga Prasad made a good point when he called the attention of the Council to the fact that I said yesterday that I had been unable to spend on female education a grant which had been given by the Government of India for that purpose, and he said that had I only consulted him he certainly would have been able to spend it. Of this I have not the slightest doubt, for the municipality of Lucknow stands easily first in the province in the splendid effort that it is making for the spread of female education. But the fact is that the grant is already allotted, and unfortunately we have not been able to spend it in full because the Public Works Department is so busy that it has been unable to use the allotment within the time. Therefore I am sorry that I shall not be able to make him the present of any portion of the grant.

"As regards one point of my friend Pandit Moti Lal's excellent speech. He spoke about the meagre assistance which has been given to the girls' schools at Allahabad. I may point out to him that this is the first time I have heard of this. So far as I am aware no application has been received by the department for an increase. Only last month when I visited the Arya Kanya Pathshala a proposal was made to me that I should suggest to Government a grant for a new building or

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towards the purchase of a building. So far as I am aware, this is the only proposal which up to the present has come from Allahabad. I think it is highly creditable to the schools at Allahabad that with so little aid from Government they have been able to do such excellent work, and I have every reason to congratulate my friend on the success of the schools and upon the wonderful results they have achieved."

The Hon'ble KHWAJA GHULAM-US-SAGHLAIN said:—

"I wish to make a personal explanation. I am sorry that I did not express myself with sufficient lucidity as to the aid given to the Muhammadan girls' school at Ahgarh. I objected to no building grant having been given, although it was promised for the last two years. As to the first part of my speech, that was meant as a friendly suggestion and not as an adverse criticism."

The Hon'ble RAI GOKUL PRASAD BAHADUR offered a personal explanation in connection with the criticisms made in his speech supporting the resolution of the Hon'ble Pandit Moti Lal Nehru. He said that what he actually said was that, notwithstanding the sympathetic attitude and the help that has been given by the Government, many much needed reforms and improvements, such as the erection of boarding houses, had not been carried out. He did not mean to imply that no help was given by Government, but that more and more help was required.

The Hon'ble DR SUNDAR LAL said:—

"When I came to this hall this morning I had absolutely no idea of speaking at all to-day, because I thought the Hon'ble Pandit Moti Lal would say a very few words on the motion and that it would be carried without much being said on the subject. The necessity for female education is one that must be admitted on all hands. The Government has done what it could with the funds at its disposal to help the cause of education, and I think my honourable friend Mr. de la Fosse is perfectly right in saying that he found some difficulty in the past in spending the money intended for female education. There is, however, a matter which I cannot but regret, and that is the close association of the claims of female education with the discussion of the department which my honourable friend Mr. Straight represents. I think the cause of education is strong enough to be dealt with on its merits without at all comparing it with the claims of the department which has been the subject of so much criticism to-day and yesterday. I think, whatever the faults of the police department may be (as the reports show), the police department has done a good deal of work which should be taken into consideration. I, therefore, only support this motion upon the claims of education and merely upon its own merits. I think the Hon'ble Pandit Moti Lal Nehru has done a service in bringing this question before the Council, which is one means of advocating and pressing upon the attention of the Government so important a subject. We have so far received some grants from the Government of India, and I hope we shall receive more as time goes on and as more funds are available. The question now is solely one of using them to the best possible advantage. Two or three points have been put forward. One is that there are not many school buildings for girls. That is a fact, no doubt. I am not aware of a single girls' school having a building of its own, except perhaps not more than two in the province of Agra (one at Moradabad and the other at Shahjahanpur). It is due to the fact that permanent schools for the education of girls are of recent growth. What the department did in the past was to devote its attention mainly to the education of boys. When it had educated the boys of the present generation, it rightly expected that the girls of the generation following, viz., the children of the boys it had educated would surely come to the schools. The fathers who had themselves seen the benefits of the education imparted to them would see the wisdom of sending not only their boys, but their girls as well. That policy has borne fruit. It has resulted in the opening of many girls' schools in many of

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our towns As the boys receive more education, I have no doubt that the generation of girls following will be found receiving more education than they have in the past The probable reason why a girls' school has had no building of its own in the past was that the schools had no financial stability, but I think the time has now come when we should take a further step There are places now where schools have been in existence for 20 or 30 years in poor buildings While the department requires elaborate buildings for the instruction of boys it has considered it necessary to secure similar buildings for girls' schools I think the grant of one lakh that has been asked for in this resolution is small After due consideration I generally support the resolution without in any way pressing that part of the resolution which points out the department from which funds may be taken, and I hope that after all that has been said to-day the Hon'ble Pandit Moti Lal will not press his motion for a division before the Council "

The Hon'ble MR BURKITT said —

"The motion before the Council is that the allotment under the head of police and civil works be reduced to the extent of a lakh of rupees non-recurring and Rs. 15,000 recurring and that that sum be spent on increasing female education in the province This motion is somewhat on the same lines as the motion which was discussed here yesterday The discussion also has been on somewhat similar lines and a portion of my reply is more or less the same as that which I gave yesterday. Therefore I do not propose to go into all the matters which I might otherwise have done It is sufficient to say that, while it is impossible to accept this concrete motion on behalf of Government, yet at the same time the Government is in sympathy with the motives which inspire the mover and the members who have spoken in support of the motion There are, however, certain considerations which Your Honour referred to in your speech yesterday which apply with particular force to the matter we are now considering. You raised the question whether it was at all certain we could apply with advantage a larger sum of money than we are likely to have. This question arises with great force in respect of female education In the soil of India female education is a tender plant, the growth of which cannot be unduly forced It will not in its present condition assimilate more than a certain amount of nutriment What we have to see is what amount it will assimilate Anything over that will go to waste The honourable mover referred in his speech to the history of female education since 1901 I beg to draw the attention of the Council to certain things which have happened since then. In 1904 the question of the promotion of female education was considered by a committee. Nothing much was done till 1908, but since then certain important reforms have been introduced I do not propose to detail them, but I may mention among others that the staff of inspectresses has been increased, the staff of the normal school has been enlarged, training classes have been started in six schools, the pay of the model school teachers has been increased and the number of these model schools has been raised from 35 to 62 This is probably not all that might have been done, but undoubtedly it is a step forward, and it is a clear proof that the Government is not unmindful of its obligations in this matter. I may now refer to what is in contemplation. In the course of last year a committee sat and as a result of its deliberations a rough scheme was sketched out This scheme, as I think you will find, is by no means final For one thing, before any final decision is arrived at, the question of primary education, to which I referred yesterday, will have to be considered, as this committee will deal with female as well as male primary education. Among other proposals which were suggested by the committee was a regular plan for opening a certain number of schools every year, for it is our intention, as far as possible, to ascertain what the normal rate of growth will be and to arrange accordingly. The pay of teachers

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is unsatisfactory, and therefore it follows as a corollary that the teachers are unsatisfactory. A substantial sum will be required to improve this state of affairs. A new normal school, to which I will refer later on, is also suggested. It is also suggested that the primary schools should be converted to district board schools, and a very substantial sum, both recurring and non-recurring, has been put down for existing schools as an additional aid to schools which are already receiving Government aid. Now we come to what is the initial and most important difficulty in dealing with female education, on which the Hon'ble Pandit Moti Lal Nehru very rightly laid great stress—that is, the provision of teachers. There is at present a normal school at Lucknow. With reference to this I must correct a small misapprehension in the speech of the honourable member. He quoted a paragraph of a report as showing the rapid progress of this normal school. But the progress was in the training school attached to this normal school. In the school itself the numbers remain stationary. Last year only six persons presented themselves for examination as teachers. They all passed, but still there were only six. Incidentally I may mention in this connection that even when we have trained teachers and examined them and give them certificates we cannot have the services of all of them, because unfortunately some will go and get married. The honourable member said in his speech that in his opinion a normal school ought to be established in every division. The success we have had so far is hardly such as to encourage us to adopt any large measure of increase. It is rather unfortunate to have to mention in this connection the total failure of the central training school at Benares. However, it has been recognized that by starting a normal school in another part of the province we may get a certain number of girls to come to us to be trained who would not come to a place so far as Benares. Therefore a school is being started at Khurja. A very large building, costing not less than a lakh of rupees, has been presented by the liberality of Lalul Janki Prasad. Government proposes to spend something over Rs. 20,000 in providing hostels for this school and it is hoped that it will be a centre from which we will be able to turn out a large number of teachers. As regards the Lucknow school, the capacity if fully used will be 30 teachers a year, but I have already pointed out that only six teachers presented themselves for examination. With this difficulty facing us, it is obviously foolish to embark on a large scheme of expansion. Reference was made in connection with this matter to training classes. It was suggested by the mover that a training class should be attached to every model school. This again has not been found possible. But six training classes have been attached, and this is all that has been found possible to create so far.

"I now turn to the question of funds at our disposal. There is, as you all know, a Rs. 70,000 recurring grant out of the Government of India's grant of 7 lakhs. There will also be no doubt a share of the 29½ lakhs to which I referred yesterday, and also no doubt a share of the 20½ lakhs which the Government of India is now about to give us. We have to see how far, with this money at our disposal, we shall be able to meet our requirements. Before we do that, it will be useless for us to try and nibble at the budgets of other departments which no attempt has been made to show are unduly liberal. Arguments were addressed to show that the Police budget might be cut down and also that economy might be effected in the Civil Works Department. I have dealt with the question of the Police, and I need hardly say much about it to-day. The only matter that I might refer to is this that I am surprised to hear the honourable mover raising an objection to reforming criminals by educating them. As regards civil works I would draw the attention of the Council to a passage on page 16 of the financial statement which runs as follows—'The large decrease under original works is partly due to a careful selection of projects for inclusion in the budget, as far as possible only

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those works being included which have been finally sanctioned or which are of special urgency' In the face of this statement I do not think that there is any case for cutting down this portion of the budget

"Before closing my remarks I must refer to a statement—which I must deprecate—made by the honourable Khwaja Ghulam-us-Saqlain. He suggested that there was an air of unreality about the discussion I have not felt that myself and I hope that the Council in general has not felt it either. Certainly it is the desire of Government that there should be no such air over this part of our proceedings. This question of female education is a very delicate one and one in respect of which Government would like every support from leaders of both communities—Muhammadans and Hindus—and so far as containing an air of unicity the discussion has afforded the Government an indication that it will be supported in its policy in promoting primary education and that the leaders of the two great communities will render it their genuine and unqualified assistance"

The Hon'ble PANDIT MOTI LAL NEHRU said —

"The reception which my resolution has met at the hands of the Council and specially at the hands of the Hon'ble Mr. Burdett leaves me nothing to desire. The Hon'ble Khwaja Ghulam-us-Saqlain no doubt threw a bait to me, but I refuse to swallow it. On the contrary I accept the sound advice of my friend the Hon'ble Mr. Sundar Lal and of my friend the Hon'ble Mr. Raza Ali, who in fact expressed my own feelings when he said that I would be satisfied with any substantial provision for female education, and that it was not necessary that it should be in the form I proposed. Now, it will be clear to the Council from what I said in moving my resolution, that what I wish is that His Honour should extend as much help as he can, for the real good of the country, to this branch of education. The announcements which have just been made by the Hon'ble Mr. Burdett are very important and I fully appreciate them in the circumstances pointed out by him. The first point of importance made by him is that if a larger amount be given than there is at present, there would be no means at the disposal of the Government to apply it. It may be observed that I anticipated this objection to a considerable extent and my answer to it was that such grants would be useful in opening training classes and new model schools for girls. It is very gratifying to know from the Hon'ble Mr. Burdett that something has been done in each of these departments and that no less than 6 training classes have actually been opened. But I will ask the Government to consider the question as to whether there is or not scope for opening more training classes. I recognise that the opening of normal schools is a very expensive matter and the experiment may possibly not prove a success at the start. But in the case of training classes I have reason to believe that they have been tried in other parts of the country and have proved a success. There is no reason why they should not be successful here as well. Again, to come to the most important point, namely, the scarcity of teachers which has been noticed by the Hon'ble Mr. Burdett. As to that, I would only make one suggestion. I do not know if it has been tried to import teachers from the more advanced provinces, as was recommended by the Committee in 1909. I must say that the reforms which have been accomplished in the past have to the extent to which they have been accomplished been very satisfactory, and I am grateful for the reforms that are now contemplated for the future. I may be more optimistic than the rest, but I hope that the opinion expressed by my honourable friend the Judicial Secretary that it will take time before the amount, which has already been placed at the disposal of the Government can be utilized for this branch of education, may not turn out to be quite correct, because I am firmly convinced of the necessity for more funds. It is unnecessary for me to go into details, but I have no doubt that the Committee which is to be formed will find various ways

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of spending this money. Now, some honourable members have objected to that part of my resolution where I said that the money ought to come from the police. The fact is that I should not have said a word about the police had it not been necessary for me under the rules to suggest a corresponding decrease in one department if I proposed an increase of expenditure in another. Now, obviously the department which spends the largest amount of money is the police, the budget for which on the expenditure side runs into eight figures, and one naturally turns to see if any saving could be effected there, and when you turn to that you are naturally led to examine what useful work the Police have done. I took care, as far as I could, to guard myself against criticizing the present administration or past of the police in my own words and therefore used the words of the responsible pronouncement made by the Government.

"The Hon'ble Dr Sundar Lal said that female education stands on its own merits, and I quite agree with him. But, as I have said, you cannot make any proposals of expenditure, unless you make a counterbalancing proposal, and to make a counterbalancing proposal we must be able to justify it. However, the general trend of discussion has been so sympathetic that even if this resolution were put to a division and carried I could not have helped the cause of education more than by bringing this subject to the notice of the Government and the public. One word more, and that is about what the Hon'ble Mr de la Fosse said. I was very pleased to hear from him that the schools in Allahabad to which I referred had made wonderful progress in spite of the fact that they had received very little assistance from the Government. I was surprised to hear that no application for more funds was made to him. I can assure him that hardly a day passes without pressing applications from these schools for aid, not only to me but also to the Hon'ble Dr Sundar Lal and other friends, to start a building or do something of the kind. That no application has been made to the Government only shows the proverbial patience of the Indians. For these reasons I am willing to accept the advice of the Hon'ble Dr. Sundar Lal, and I beg to withdraw my resolution."

The resolution was accordingly withdrawn.

HIS HONOUR THE PRESIDENT said —

"The Hon'ble Pandit Moti Lal Nehru, in spite of the challenge thrown across the room by the honourable gentleman who failed to hear his speech, has come to the decision, on the wise intervention of the Hon'ble Dr. Sundar Lal, to withdraw the resolution, which he moved in a speech, if he will allow me to say so, of characteristic ability and moderation. In coming to that decision the honourable member has taken what I venture to regard as a courteous and proper course, and I feel that the Government would be lacking in corresponding courtesy—especially in view of our having had to oppose the proposal in the precise form in which it stands—if I did not acknowledge the warm, practical enthusiasm which underlies the motion, and if I did not express the complete adherence of Government to the ideals which dominate his mind and which find favour with many of those honourable gentlemen who followed him. In expressing that adherence I have all the enthusiasm of a new convert. I have a personal confession to make. When I came here a few months ago, I had considerable doubt as to the prospects of female education. That doubt was not associated with any hesitation as to the principles, as to the desirability of the movement, because no one who cares for the social advancement of this country can for a moment fail to recognize that the sound education of women is one of the great factors in the future advancement and development of India both in regard to the duties of motherhood and to the prospects of happy homes. My doubt was as regards the demand for such education. It was a doubt whether the difficulties in the way would overmaster the zeal of a few enthusiasts. Since I have been on tour, however, these doubts have completely

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disappeared I have seen the most remarkable examples of female schools in different parts I began by visiting a most interesting, crowded, busy little school, right up near the forests in Balrampur under the aegis of our colleague, the Maharaja of Balrampur I then saw a school of a very different type in Benares, but in every way as successful, under the care of Miss Biney I have within the last few days seen still a third type of school, established and maintained throughout by private enterprise at Moradabad Apart from what I have seen myself, I have heard most convincing testimony of other schools, for example, the prosperous and successful Kanya Pathshala at Dehra, and another enterprise carried out by the beneficent and gentle lady who is the widow of one of our late colleagues—Miss Jwala Prasad of Shahjahanpur These are only a few examples which have come in a short time to my personal knowledge There are no doubt many others It is then in view of these recognized facts that we have to ask ourselves what has Government done and what is it doing and what is it going to do in order to meet a demand which is genuine and growing. The Hon'ble Mr Burkitt has told the Council what Government is doing and what we have in prospect I can quite understand that even that falls short of what honourable members would like to see The Hon'ble Mr. Shahid Husain, for instance, has dealt rather hardly with the department, but I can quite understand his attitude in view of his own keen, personal, genuine, enthusiasm for the cause The Hon'ble Khwaja Ghulam-us-Saqlam has already been faithfully handled by the Hon'ble Mr de la Fosse, and I would not again refer to his criticisms were it not for his personal explanation, when he shifted his ground and came on to still more dangerous quicksands He told us that he referred in his original speech not so much to the existing female school at Aligarh as to the building which is now being erected in its place I had myself an opportunity of seeing that building a few weeks ago and of meeting the members of the management committee on the spot, and I have since studied the correspondence that has been going on regarding that school for the last few years, and I think I am perfectly right in saying that there has been no promise whatever to help, and that the management committee have gone ahead with the construction of the building in the hope of a promise that has not yet been made In spite of that, we have money in this year's budget, and until within the last few days I was keeping that money in the hope of giving Rs. 20,000 to the school as a building grant. But from what I saw of the amiable optimism of the gentlemen on the spot I found it necessary to ask them to show me the rules of management before the money was paid It is only because these rules have not yet been sent me that the money lies in the treasury The moment the rules are accepted by us Rs. 20,000 will be paid over to the committee, promise or no promise

"Gentlemen, in this way and in others Government will do its part Personally I should like to see the Government taking a rather secondary part in the provision of female education, because the subject is so delicate and so difficult to handle that Government seems to me to be on surer ground when it is following rather than when it is leading private enterprise in the matter I have no desire, nor has the department any desire, to shirk its responsibilities, but what we would rather do is to help and help liberally, institutions that have actually been created and are growing up in places where the ground has been prepared and the seed has been sown, instead of ploughing in new fields for ourselves with the prospects of unsuccess But, however that may be, I have only to say, in response to the appeal of the honourable mover, that I undertake that before the budget comes to the cognizance of this Council again it shall be carefully reviewed and we will see that female education receives every rupee that we can reasonably hope to expend, either by direct agency or by grants-in-aid of private schools, during the ensuing financial year."

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[Colonel Munford.]

The Hon'ble COLONEL MANIFOLD said —

"The history of medical relief in the past year enables me to record the most satisfactory and steady progress on all sides, not only in the case of those measures which have been long established but also in the case of those innovations which are of recent introduction.

"Early in the year the King George's Medical College, that magnificent memorial in Lucknow of King George's visit to India as Prince of Wales, was opened. It is one worthy in all respects of that auspicious occasion and of the spontaneous loyalty of which it was the outcome. Classes have now been carried on in the College buildings for a complete year, in fact they were begun before the College was formally opened.

"I am very pleased to be able to state that the men who are resorting to the study of medicine in them are of a very high class, which speaks very well for the future of the provinces in regard to having a good stamp of general practitioner who will also be highly skilled and highly trained.

"The hospital which is attached to the medical college will, I hope, be actually opened as far as the out-patient department is concerned next month. The buildings with their equipment, accommodation and general arrangements have drawn the highest encomiums from many distinguished visitors, and I have no hesitation in saying that these provinces possess in their medical college and hospital not only the finest medical institution in India, but one which would occupy a favourable position if compared with those of any other country in the world. As well as the ordinary curriculum, we have been able to start this year classes for the new service of health and sanitation, so that the grant of the allotment which has been made in this year's budget will be used to very good purpose—a very generous one it is too.

"Epidemic disease has, I am sorry to say, been very prevalent throughout the provinces.

"Plague, although not as bad as in the year 1911, when the deaths amounted to close on to 2 lakhs, is still with us, and the deaths from it have not been less than a lakh. This is a terrible bill of mortality from one disease. Everything possible has been done. We have marked down most carefully the villages and centres from which the disease has started and are taking every step to check it. But it is a disease which has great vagaries and we have not yet the real secret of its spread. Of course we know the agency from which it spreads, but we do not know how it retains its hold. Some villages have been entirely free in others it has recurred in an aggravated form, but not with anything like the same virulence as had been the case with former centres of plague. This all goes to confirm the impression that we may hope to see a great lessening of the severity of the disease and of its spread by this natural process of immunization. Evacuation has been very greatly carried out and is undoubtedly the great weapon of defence at present, as inoculation, which would be our most certain barrier to arrest its progress, is still looked upon with aversion, though I am glad to say that it is now much more readily resorted to by people of their own free will, and this year, although no pressure of any sort has been exercised and plague has been so much less, inoculation figures, though less, do not compare badly with the previous year when these two factors are taken into consideration. Cholera, I am glad to say, has been almost absent and malaria has very greatly diminished. The deaths from malaria for example have been less. They amount to something like 50,000 less than they did in 1911, and in 1911 there were something like 250,000 less than the preceding year.

"A great extension of medical relief has taken place in the past year in out-of-the-way parts of the provinces through the agency of travelling dispensaries. These have increased from 43 to 57. The work done has been very great and has been much appreciated on all sides. I have heard no hostile criticism. In

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fact the most complimentary thing which has been said is that other provinces are not only attempting similar dispensaries but claiming the merit of their initiation. From the earliest days of ancient civilization in this country their prototypes have existed and there is nothing novel in the idea that we should wish to claim the credit of it, beyond that we may fairly say that these provinces have been the first to evolve a systematic organization by which relief may be carried to the door of the villager. But apart from that, I think they have come here to remain, and I think the reason of their success is in the way in which every one has worked—officials and non-officials, zamindars and many honourable members of this Council. Every one has tried to facilitate matters. As for the people they have placed their houses at the disposal of the medical officers for their own use and for the patients. And the result has been that we have been able to increase the actual attendance by something like 200,000 over what it was last year and the number of operations performed have increased from 4,000 to something like 12,000, and that we have been able to accomplish all this in the second year of an innovation like this is extraordinary and promises very well for the future. They are the forerunners who will prepare the way for the qualified general practitioners who, as the output from our medical colleges and schools increases, will at some future date eventually take their place and settle in the larger villages and towns like the general country practitioner in other countries. But till that desired time comes there is no doubt that these dispensaries are preparing the minds of the people for their coming and that they are showing what the benefits of our modern medical science are. In spite of what has been done by our head quarter hospitals in the last fifty years, the people in out-of-the-way villages hardly yet realize what medical aid on modern lines can do to assist them, and the opportunities they have for securing it are even yet much too limited. I have lately toured through three districts, in each of which the population runs to one and a quarter millions, and all we can do under the most favourable circumstances to afford these numbers medical and surgical relief is through the agency of one head-quarters hospital in each district, which in one case is able to treat 38 in-patients, in another 52 and in another 54, supplemented only by the aid afforded by a dozen small out-dispensaries. With each of these hospitals full every day we can only treat about 1,500 in-patients in the year. Under such circumstances how many thousands in out-of-the-way parts of the districts must be unaware of the existence of a hospital, even if they were able to give the time for the journey and had the courage to risk the venture into the unknown, as it is to most of them. Travelling dispensaries properly equipped and carefully supervised should, I hold, be able to undertake a vast amount not only of medical but also of surgical relief, which this pitifully inadequate supply afforded by the 40 or 50 beds of the head quarter hospital is wholly unable to supply.

"Another advance which has been made in medical relief has been the beginning of an anti-tuberculosis campaign. Hitherto practically nothing has been done, but last year we were able to open in memory of our late beloved Sovereign a central sanatorium on the Latoni spur above Bhawal for the treatment of the disease. This is a most excellent institution and it has been regularly resorted to. Indeed, I have never seen people come forward so readily and seem so desirous to remain and many people have remained right up to the cold weather. A small grant occurs in the budget for the establishment of tuberculosis measures in the large cities in the plains. I hope in time generous benefactors will come forward and establish wards in these large hospitals in which the open air treatment can be carried out and out-patients also treated by modern methods. Some of these wards have already been promised to us in Allahabad and Benares and Saharanpur for instance.

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[*Colonel Munro*]

"Another item of expenditure which occurs in the budget is for the training of dais. Now a great deal was said in yesterday's discussion about infant mortality. The Hon'ble Mr. Shahid Husain alluded, I think, to the matter. The problem is a serious one. There are many causes at work, but among others there is one remedy, and a very simple one, namely, to train the Indian dais. There is no doubt that through ignorant methods a great deal of infant mortality results and a great deal of maternal suffering. For a good many years attempts have been made to train thoroughly well-educated women and turn them out after three or four years' training as professional midwives. But even were it possible to supply a sufficient number of highly trained midwives, it would be very doubtful whether the customs and prejudices of the people would allow of their having free recourse to them, and there is no doubt that we must still look for many years to bazar untrained dais being employed, and what I wish to do is to get these women to come to us and to train them for a couple of months in the year, giving them 20 or 30 lessons during the year in a hospital. If we could do this, there is no doubt that a tremendous amount of mortality would be reduced. The Government has given a small grant. It is not a matter of money however; it is a matter of overcoming popular prejudice and old superstitions. Much can be done by the support of influential residents in the large towns in furthering the success of this scheme, and I trust that the non-official members of this Council will use their influence to induce the people to take advantage of relief offered in this way.

"Female medical relief has been receiving the attention of Government which its importance deserves. In the King George's Medical College we have not been content with waiting for any further developments, but have started from its opening day classes for women graduates whom we hope to see take their degrees at the Allahabad University. I have been following with great interest the discussion that went on the subject of female education. I should like to see some of the money devoted for the actual training of and for scholarships for women who take up a medical profession. It is not easy training people who are not able to assimilate readily difficult sciences. They must come to us with a good preliminary education, and I should like to see some money devoted to this purpose. The Hon'ble the Director of Public Instruction talked about the hungry sheep who looked up and were not fed, but when I think of the small grants that we are getting for medical relief and the large sums that are being poured into the voracious maw of the Education Department, which leaves very little for any one else, I think that we might do a little more for medical relief.

"There are several small items which appear in the budget. There are grants made for hospitals. The Allahabad Colvin Hospital—its excellent management and the high standard of efficiency makes it deserving of every support. Then there is the Balrampur Hospital in Lucknow which is due to the princely generosity of the Maharaja of Balrampur. It has received very little aid from Government. But I am glad to say that it has now been recognized that a certain amount of assistance in a small way should be given to it. The grant for health officers is one which will produce the greatest benefit in the improvement of the health of the community. There is another item in the budget which can be looked upon with the greatest satisfaction, and that is the grants provided for the increase in the pay of assistant surgeons. There is no body of men who are doing better work to the State and at so much sacrifice to their personal convenience. The relaxation of public holidays and the usual leisure of Sundays are unknown to them. Any limitation of an 8 hours' day of work would in many cases be equally an impossibility. Increase of work and greater competition has caused the emoluments of private practice the privilege to indulge in which had been taken into consideration when the pay of their appointments was originally fixed to diminish.

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and then pay consequently has been disproportionate to that of other departments of the provincial service. The increase which better financial conditions have permitted of none can grudge to such a deserving body of Government servants.

"Although the expenditure can only be agreed to after the grant has been subjected to the approval of the Government of India, I hope this will be obtained, because there are no body of men, as I have said, who really deserve better

"The whole work of the medical department has, I consider, been on the advance, and I look upon any money which is given as money spent better than in any way possible. I was only sorry to see that in the debate on education yesterday, no one referred to the medical department except with a wish to deprive it of a certain sum, which is devoted to the treatment of those unfortunate creatures who in other countries are housed with the greatest care and looked after in the best possible way, so that I consider we should never grudge doing anything that can be done for these unfortunate people."

The Hon'ble MR. HAILEY said —

"I should like to say something about the salient points of the agricultural budget for the year 1913-14. I would begin by saying what steps the department has taken for improving the breeds of cattle. I am alluding to the improvement of plough cattle. The subject of pasturage has been raised, and I shall say something about it later, but I think it will be generally agreed that the increase in the number of plough cattle is a matter of primary and urgent importance to the agricultural wealth of the provinces. You are all aware that the price of cattle has been rising of recent years, and we are suffering from shortage of stock due largely to the diversion of our former supplies to other channels. The shortage has become more marked lately, as the Punjab dealers are finding a better market nearer home in the canal colonies, and also because some of the Central India States are imposing an export duty on cattle. A fair was started some little time ago in the Kheri district for breeding two classes of bulls for the submontane districts, that is, the Parehar and the Kharghar breed. We hope to issue this stock for the first time in the present year, and we hope to issue a larger stock in the near future. An honourable member who is not present now pointed out that these animals, though admirably suited for the submontane districts, are too small for the western districts, where a larger breed of cattle is required. He urged therefore the starting of a farm on somewhat similar lines in one of the western districts to turn out a breed of the Hissar type. Additional force was lent to his argument by the fact that we could not get as many cattle as are required from the Hissar farm in the Punjab, and a high price, namely, Rs 300 per head, was demanded for each of these bulls. Sanction has been given to the starting of a farm in one of the western districts for breeding the type of cattle used in those districts generally known as the Kosi type.

"I feel bound to express a little disappointment that the grant was not sanctioned on the scale I had asked for and think the importance of the matter deserves. But I hope as soon as the farm is started and its utility is generally appreciated, we shall get a rather large grant for its further development."

"As soon as the farm is started, we intend also to take up the question of buffalo breeding. We should most cordially welcome the co-operation of land-owners in disposing of our stock. Our difficulty has always been in opening closer relations with the smaller breeders. Anxious though they are to avail themselves of the services of these bulls, they are unable to purchase them outright. If we hire them, it involves us in additional expense and we can do but only a little in the way of recovering the additional cost of these animals. Our object is to run this farm so as to avoid any loss. I think the land-owners will probably confer no more welcome benefit on their tenants than placing the animals at their disposal.

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[Mr. Hunley]

The court of wards has been showing very great appreciation of the utility in which these animals are held by the tenants and the district boards, and if they had more money at their disposal they might very profitably utilize it in taking some more bulls.

"I will now touch on the question of dairies, which was brought forward yesterday. The department is at present waiting to see in what direction its assistance can be given. We cannot go into the market and sell milk, ghee and butter, what we can do and what we are prepared to do is to demonstrate the clean handling of milk and the proper care of cows, and still more by breeding a class of milk-giving animals—that is a property which the cows of these provinces do not possess. Several honourable members yesterday alluded to the growing scarcity of pasturage as the cause of the rise in prices of milk and its products. This is not a problem in any way peculiar to India, but is felt by most countries with dense populations and which has been successfully confronted in other countries and can equally be successfully confronted in India. We could probably give our most valuable assistance by demonstrating the growing of the maximum quantity of fodder crops on the limited ground available. The first step to be taken for securing an ample supply of fodder in large towns is to learn how to grow the largest quantity of fodder crop on the limited area near these towns. I have already thought to undertake the management of the sewage farm at Lucknow simply in order to grow the fodder crops sufficient to support a number of cattle, so that we could start such farms by private or municipal enterprise. What I would point out is that trouble is not necessarily about the small area of pasturage, because you can support more cattle from 10 acres than you can on 100 acres of bare pasturage, provided the 10 acres are properly cultivated. At the same time I would say that I heartily agree with the honourable member on my left, Babu Mahadeo Prasad, that there is a great deal to be said about the co-operative supply of milk from a number of small dealers as carried on at Benares and endorse his encomium of the gentleman who started it. This certainly does mean a very large supply of milk at moderate prices to the townspeople, though of course, I am not in a position to speak about its purity. I therefore think that this is a movement which might with advantage be carried a good deal further.

"To turn to agriculture, it will be seen that allotments have been made for extending work on cotton and sugarcane and for completing the equipment of our farms which practically deal with the improvement of these crops. The grant for the development of cotton will be utilized in starting work in fresh districts. It is unnecessary to point out that at present our operations extend only to a comparatively limited area of the cotton-growing tract, we proceed as fast as our means permit to open out fresh centres of demonstration in new localities which afterwards serve as centres of seed distribution. Demonstration has hitherto been invariably followed by large demands for seed which it requires some local organisation to meet. This year fresh centres will be started in Etawah and Agra; in the latter we are indebted to one of the principal land-owners of the district and also to an honourable member of this Council, who is not present, for the assistance given in starting the seed farm.

"The grant will also be devoted to reviving cotton-growing in Bundelkhand, which for a variety of reasons has been declining. We are receiving very valuable assistance in this direction from the irrigation department. The area under cotton has been declining in this tract, but in the last year or two the high prices of cotton have turned the attention of the cultivator again to this crop. Last year there was a very great shortage of seed in one district I visited. I found that the shortage was so great that an enterprising merchant imported large quantities from another province which were totally unsuitable and the whole crop failed. We

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[Mr Harley]

are making provision for the issue of a local variety which is in favour with the Cawnpore mills and which realizes a slightly better price than the other local cottons. Our general work in connection with cotton has followed the lines indicated last year. "We endeavour to satisfy the demand for a larger quantity of short staple cotton with a very high percentage of lint, which is very popular with the cultivators. Its popularity is scarcely to be wondered at considering that a very high premium is given for it—thanks for the assistance of a Cawnpore firm who offer a remunerative price to cultivators. Although we have got a small amount of seed available we hope to get a crop of over 100 bales.

"As regards sugarcane, we are getting our farms in the sugarcane tract in order, and part of the grant made in this year's budget will be utilized for their equipment. A grant has also been made for opening a new farm in the Gorakhpur district. In these provinces we are confronted with the problem, not only of the cultural improvement in sugarcane, but also of the mechanical problem of the extraction and utilization in the most profitable manner of the product of the cane. I have before me the figures of the price of gur during the past five years and these exhibit the remarkable feature that while the prices of all other agricultural products have been steadily rising the price of gur has been falling, and the prices realized last year in some districts are so poor that cultivators have complained to me that the crop is ceasing to be profitable. The reason is of course obvious, viz that with the decline of the indigenous sugar-making industry more and more of the produce of the cane is made into gur for eating purposes only. As will be seen from the budget statement a grant-in-aid was given to a sugar factory crushing cane to enable the owner to equip it with machinery on modern lines. The money I regard as spent to very good purpose. The experience gained this year has shown that with modern machinery a high extraction of sugar can be obtained from the canes of these provinces—considerably more than double that obtained by indigenous methods—and also that there is no reason why, with the expert assistance now afforded by Government, such factories should not be run entirely by Indians. The invitations given by the owner to Brahmans and others to witness the whole process of manufacture are doing much to break down the prejudice against sugar made in modern factories in India and is paving the way for the successful introduction of similar factories elsewhere.

"I would now draw attention to the allotment made for the appointment of an agricultural engineer. The need for such an appointment has been seriously felt for some time past. Our well-boiling operations are extending, and we want more expert advice and above all we want to give our boilers more training in the use of their plant. Also we are badly in need of some one to look after the repair of this plant which is now valuable. But even more than this we want some one with expert knowledge to advise and assist in the erecting and repairing of power pumping machinery. The Allahabad Exhibition started what may without exaggeration be termed a furore for power pumping machinery. Oil engines of various kinds and description were put up in places some of which were most unsuitable without any expert knowledge, often with disastrous results to the engines and the wells. We have been quite unable to give any assistance in putting matters right, as we had no one with the necessary expert knowledge. Judging from the stream of inquiries received there is probably a future before power pumping in these provinces. The price of bullocks and manual labour is rising, while the small oil engine is becoming cheaper and more appreciable. We have been given a small grant for conducting experiments ourselves with these engines and pumps. In future, therefore, I hope we may be able to give assistance to zamindars and others, not only in putting up this form of plant but also in giving some form of training to men to work it.

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[Mr Hutton]

"This grant will also enable us to make some experiments with tube wells, which our finances have hitherto not permitted. Our men have no experience in putting them down and we have not been able to judge of their suitability to the conditions of these provinces. We have not had any opportunity of trying these owing to lack of funds.

"I would finally draw attention to an item on page 16 of the budget. This shows the estimated receipts of the agricultural department of the present year, and which are put down at a lakh of rupees. I allude to this because it shows that the agricultural department is directly productive and that we are making a substantial addition to the provincial income. The activities of the department are somewhat rapidly increasing and our demands for money are also increasing."

The Hon'ble Mr HUTTON said:—

"I propose to make a few remarks on the budget of the Irrigation department and on the irrigation works under construction at the present time.

"The total estimate of receipts under irrigation on all heads both productive and protective for 1913-14 is Rs 85,16,000, or Rs 4,31,000 more than the final estimate of the current year.

"Although, owing to the late withdrawal of the monsoon from the canal irrigated districts, there was little demand for water at the beginning of the rabi season, later on demand became very strong indeed and irrigation was freely resorted to up to the middle of February, when good general rain was received all over these provinces to the great benefit of the crops.

"The rabi receipts in consequence are expected to be Rs 8,72,000 better than in 1911-12, that, however, was a very unfavourable season for canal irrigation.

"For the coming kharif it is only possible to anticipate a normal season and estimate accordingly. This estimate is for Rs 38,34,000, or nearly 4½ lakhs less than in 1912.

"The past kharif was a good one for irrigation. The season was a very favourable one for rice and the area irrigated was the largest on record.

"The increase in the sugarcane area in 1911 has been more than maintained, and the area irrigated was nearly 360 lakhs of acres, or almost 1 lakh more than in 1908.

"The estimate of expenditure on major works—working expenses—productive works is Rs 29,99,000, or Rs 17,000 more than the revised estimate of 1912-13.

"The estimate of expenditure on minor works—provincial is Rs 3,82,000 or Rs. 52,000 less than the revised estimate of the current year.

"The reduction is due to less expenditure on both Capital and Agricultural works.

"The Government of India has been asked for a grant-in-aid of Rs. 1,24,000 towards the cost of construction of tanks in Bundelkhand, and the balance will be met from Provincial funds.

"The larger irrigation works, both productive and protective, are constructed from Imperial funds. The principal Imperial Productive works, for which provision has been made, are—

- (a) Permanent head works for the Ganges canal at Hardwar. These head-works will ensure complete control over the river supplies at all seasons of the year. Without such control no canal can be really efficient. The truth of this was clearly demonstrated during the present rabi season when with existing arrangements, it was not found possible to divert the whole of the available supplies into the canal before the middle of December. Had the winter rains not been unduly delayed a considerable loss of revenue would have resulted.

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[Mr. Ashworth]

- (b) The Hathras branch This with the exception of a few minor channels has been practically completed and did a small amount of irrigation during the present rabi season. A much larger area of irrigation would have been effected had the cultivators not delayed the digging of their guls to the detriment of their crops. The Government of India has just approved of the imposition of a small acreage rate to be recovered from the cultivators concerned, in order to cover the cost of construction of the main guls by the Irrigation department whenever this is considered desirable. There can be no doubt that the construction of such guls by this Agency will lead to a more rapid expansion of irrigation on a new canal than is at present the case.
- (c) The widening of the Agia canal. The extensions carried out during the past ten years have necessitated a readjustment of the capacity of the main canal to ensure economical working.

"Under Protective works the principal works for which provision has been made are—

- (a) The Ghaggar canal in the Mirzapur district. This canal will serve the central uplands of the Mirzapur district, a tract of a most precarious character, which during the past 35 years has been visited by famine no less than 8 times. I do not know of any other tract in these provinces where the introduction of canal irrigation is likely to prove a greater blessing. Construction was commenced at the beginning of the cold weather and has been the means of affording ample work for all the labour available in a tract of country where at the present time owing to the failure of the rice harvest, there is a certain amount of scarcity.
- (b) Also for two large tank schemes —
- (1) the Ghoru naddi also in the Mirzapur district, a work which is rapidly approaching completion, and
 - (2) the Majhgawan tank in the Hamirpur district, work on which has just been started
 - (3) The Gangao reservoir for the Ken canal. Owing to labour and other difficulties this work has not progressed as rapidly as was expected, and at the present rate of progress it is hardly likely that the work will be completed before March 1915. It will however be possible to commence storing water during the rains of 1914."

The Hon'ble MR. ASHWORTH said —

"My department is a spending department, except so far as under an old rule small fees may be charged to local boards for legal opinions. In one direction it is supplementary to the police department. That department apprehends the criminal. My department is concerned with the no less important task of getting the criminal adequately punished. Both the objects are essential to the very existence of society, although judging by some of the proposals made yesterday and today the fact would almost seem to have been lost sight of in the fervour of educational enthusiasm.

"By far the most important head in my budget is that of 'fees to pleaders and barristers in criminal cases'. It will be found on page 60 of the budget estimate that the estimate under this head is Rs 1,20,000. This heading includes the fees, paid on a fixed daily scale, to district government pleaders for appearing before sessions judges and, occasionally, magistrates. The heading also includes fees

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[*Dr. Sundar Lal.*]

paid to special counsel, that is to say, barristers or pleaders retained for a particular case. The estimate for fees paid to district government pleaders can be framed with sufficient certainty, as it ultimately depends on the general average of crime for the province, which is a fairly stable quantity. This estimate is, for the coming year, Rs. 70,000. The estimate for special counsel is merely a guess or something worse than a guess. It rests on the unstable basis of crime of an exceptional character. In default of a better method, it is placed at a conventional figure. For the coming year the figure adopted is Rs. 50,000.

"A prolonged and careful inquiry has been made as to the possibility of abolishing or reducing expenditure on special counsel by increasing the remuneration, and thus improving the status of, government pleaders. It has been found that any increase in such remuneration, to serve the purpose even to a partial extent would involve a prohibitive recurring expenditure. The proposal therefore to alter the present conditions of service of government pleaders, with the view of avoiding the necessity of special counsel, does not commend itself to Government and no provision in the budget has been made for it. At the same time it has been decided to do something financially for government pleaders by abolishing third class districts in the present scheme of remuneration of government pleaders. Third class districts are felt to be an anachronism, unsuitable to present conditions and inequitable to the government pleaders of such districts. For this purpose the revised financial statement provides Rs. 10,000.

"Rupees 3,000 are also provided for raising the salary of the Assistant Government Advocate from Rs. 500 to Rs. 750 a month, on the ground that that officer's work in the High Court leaves him less time for private work than was contemplated when the salary of the appointment was last revised.

"Apart from these two points, my budget estimate calls for no remarks."

The Hon'ble DR. SUNDAR LAL said :—

"The portion of the budget with which I am concerned is the grant for University education. Many years ago the Government was pleased to allot Rs. 80,000 for higher education, of which Rs. 40,000 was for aided colleges of the University and the remaining Rs. 40,000 was given to the University fund, of which Rs. 20,000 was earmarked for building, and the other Rs. 20,000 for general finances. Seven years ago the Government granted a sum of Rs. 2,400 in order to raise the salary of the Registrar. Although these grants had been continued, we are indebted to the Government of India for a recurring grant of Rs. 45,000 a year for starting work as a teaching University. These grants find a place in the budget and the total grant to the University therefore is Rs. 1,27,400. I need hardly say that we are extremely thankful for the help that has been given to us."

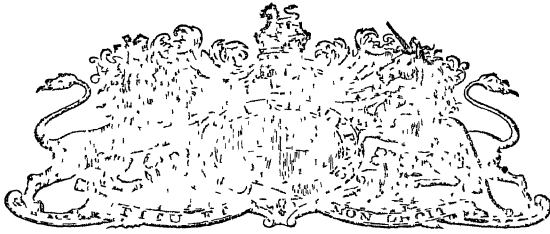
ALLAHABAD:

The 14th March 1913.

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W. K. PORTER,

Secretary, Legislative Council,
United Provinces.



Government Gazette,

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to
this part in order that it
may be filed as a separate
compilation

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ALLAHABAD, SATURDAY, APRIL 19, 1913

PART VII.

LEGISLATIVE DEPARTMENT.

GOVT, UNITED PROVINCES

GOVT, UNITED PROVINCES OF AGRA AND OUDH

LEGISLATIVE DEPARTMENT.

BILL No. II OF 1913

The following bill was introduced into the Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh for the purpose of making Laws and Regulations, on the 9th April, 1913 —

THE UNITED PROVINCES STEAM BOILERS AND PRIME MOVERS (AMENDMENT) BILL, 1913.

CONTENTS

CLAUSES

- 1 Short title Commencement.
- 2 Amendment of section 2, United Provinces Act I of 1899
- 3 Amendment of section 6, United Provinces Act I of 1899.
- 4 Amendment of section 10, United Provinces Act I of 1899 Conditions under which licence may be granted.

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5. Addition of a new section after section 10, United Provinces Act I of 1899 requiring report of structural alterations or renewals to be made to the inspector.
 - 6 Addition of a new section after section 10A, United Provinces Act I of 1899 requiring accidents to be reported to the Inspector
 - 7 Amendment of section 11, United Provinces Act I of 1899 (Revocation or suspension of licence).
 - 8 Amendment of section 13, United Provinces Act I of 1899.
 - 9 Substitution of a new section for section 14, United Provinces Act I of 1899.
 - 10 Addition of a new section after section 14, United Provinces Act I of 1899.
 11. Amendment of section 17, United Provinces Act I of 1899.
 - 12 Amendment of the first schedule to the United Provinces Act I of 1899
 13. Amendment of the third schedule to the United Provinces Act I of 1899.

A
BILL

To amend the United Provinces Steam Boilers and Prime Movers Act, 1899

Whereas it is expedient to amend the United Provinces Steam Boilers and Prime Movers Act, 1899, it is hereby enacted as follows —

1 This Act may be called the United Provinces Steam Boilers and Prime Movers (Amendment) Act, 19 ,

Short title
Commencement

and it shall come into force on the day of 19 .

2 After the definition of "inspector" in section 2 of the United Provinces Steam Boilers and Prime Movers Act, 1899, the following words shall be added, namely —

"And 'the Inspector' when used in reference to any engine or prime mover means the Inspector to whom is assigned, under clause (2) of section (3), the local area in which such engine or prime mover is situated."

3 In section 6, sub-section (1) of the said Act the words "for the local area in which it is situated" shall be omitted

4 For section 10 of the said Act the following section shall be substituted, namely —

"10. (1) Every licence granted under this Act shall state the period for which it is to continue in force, and shall be granted subject to the condition that no addition or alteration is made to the boiler or prime mover, as the case may be, likely to affect its strength or safety, and that it is not used otherwise than in a condition which the owner in good faith believes to be compatible with safe working

(2) In addition, a licence granted under section 8 shall be subject to the condition that, except as otherwise provided by any rule made under this Act, and for the time being in force, the boiler or prime mover shall remain in the charge of an engineer or engine-driver possessing the qualifications specified in section 8, sub-section (2), in respect of a boiler or prime mover of like horse-power

(3) In addition, a licence granted under section 9 shall be subject to the condition that, except as otherwise provided by any rule made under this Act, and for the time being in force, the boiler shall remain in the charge of an engineer who has obtained, in accordance with rules made under section 4, a certificate as an engineer of the first class"

5. After section 10 of the said Act the following section shall be added, namely —

"10A If at any time during the period for which a licence under section 8 or section 9 is in force, any structural alteration or renewal is made in any part of the boiler or prime mover to which such licence relates, the

Structural alterations
or renewals to be re-
ported to the Inspector

owner of such boiler or prime mover shall give notice in writing of such alteration to the Inspector either before the same is commenced or whilst it is in progress "

6 After section 10A of the said Act the following section shall be added, namely —

"10B (1) Every owner or person in charge of a licensed boiler or prime mover shall report to the Inspector, within twelve hours of its occurrence, every accident to the boiler or prime mover, or to any apparatus attached thereto, which is likely to weaken the strength of such boiler or prime mover or which has occasioned injury to any person or property

(2) Every such report shall contain a true description of the nature of the accident and of the injury thereby caused, sufficient to enable the Inspector to judge of the gravity of the accident

(3) The owner or person in charge of the boiler or prime mover shall be bound to answer truly, to the best of his knowledge and ability, every question put to him in writing by the Inspector as to the cause, nature and extent of the accident "

7 For section 11 of the said Act the following section shall be substituted, namely —

"11 Any person authorized by the Government in this behalf may revoke or suspend any licence granted under this Act in respect of any boiler or prime mover when he has reason to believe—

(a) that the licence has been fraudulently obtained or without sufficient examination, or

(b) that the boiler has been used in contravention of any of the conditions subject to which the licence has been granted."

8. In section 13 of the said Act, for the words "an Inspector" the words "the Inspector" shall be substituted

9 For section 14 of the said Act the following section shall be substituted, namely —

"14 Any owner of a boiler or prime mover who uses the same, or permits it to be used, without a licence duly obtained under this Act, and in force in respect thereof, or in contravention of any of the conditions subject to which such licence has been granted, shall, on conviction before a magistrate of the first class, be punished with fine which may extend to five hundred rupees "

10 After section 14 of the said Act the following section shall be added, namely —

"14A. (1) Any owner of a boiler or prime mover who, having a licence granted under this Act and in force in respect thereof, fails, without sufficient cause,—

(a) to produce his licence when called upon at any reasonable time to do so by a magistrate having jurisdiction in the place in which the boiler or prime mover is situated or by any

person authorized in writing by such magistrate to demand the production of his licence, or

(b) to give notice, as required by section 10A, of any structural alteration or renewal in the boiler or prime mover, or

(c) to report, as required by section 10B, any accident of the kind mentioned in that section,

and (2) any person who prevents the Inspector from entering, as permitted by section 13, any place or building, shall, on conviction before a magistrate of the first class, be punished with fine which may extend* to one hundred rupees "

11 In section 17(d) for "section 11(b) and (c)" the word and figure "section 10" shall be substituted

12 To the form of licence set forth in the first schedule to the said Act the following note shall be added, namely —

"This licence is granted subject to the following conditions —

I—No addition or alteration shall be made to this boiler (or prime mover) likely to affect its strength or safety,

II—This boiler (or prime mover) shall not be used otherwise than in a condition which the owner in good faith believes to be compatible with safe working,

III—Except as otherwise provided by any rule made under the United Provinces Steam Boilers and Prime Movers Act, 1899, and for the time being in force, this boiler (or prime mover) shall remain in the charge of an engineer or engine-driver possessing the qualifications specified in section 8(2) of the said Act in respect of a boiler or prime mover of like horse-power "

13 To the form of licence set forth in the third schedule of the said Act the following note shall be added, namely —

"This licence is granted subject to the following conditions —

I.—No addition or alteration shall be made to this boiler (or prime mover) likely to affect its strength or safety,

II—This boiler (or prime mover) shall not be used otherwise than in a condition which the owner in good faith believes to be compatible with safe working,

III—Except as otherwise provided by any rule made under the United Provinces Steam Boilers and Prime Movers Act, 1899, and for the time being in force, this boiler (or prime mover) shall remain in the charge of an engineer who has obtained, in accordance with the rules made under section 4 of the said Act, a certificate as an engineer of the first class."

STATEMENT OF OBJECTS AND REASONS.

THE main object of this bill is to remedy two defects which experience has shown to exist in the United Provinces Steam Boilers and Prime Movers Act, 1899. It has been found that the safeguards provided by the Act are insufficient to meet cases in which a licensee, subsequently to the acquisition of a licence, uses his boiler either when in an unsafe condition or otherwise than in charge of a competent engineer, the penalty provided being merely the possibility of losing his licence. Sections 10, 11 and 14 of the Act have been amended with the object of enabling such improper use of a boiler to be visited with a severer penalty than the mere possibility of the licence being cancelled and more stringent supervision than heretofore to be exercised over boilers after they have been licensed. With the same object the forms of licence prescribed and set forth in the first and third schedules have been made more definite. Subsidiary to the main purpose of the bill, sections 10A and 10B have been added, the one to prevent a boiler subsequent to licensing being, without due authorization, substantially altered, the other providing for a report being made in case of every accident to a boiler or prime mover which may interfere with its efficiency or has occasioned injury to person or property. These are the principal amendments which the Act is considered to require. The definition of "Inspector" has, however, been under consideration, and has been amended so as to avoid the raising of questions as to the authority of an Inspector to take action under the provisions of the Act otherwise than within the circle or area assigned to him.

By order of the Hon'ble the Lieut-Govr., United Provinces,

R. BURN,

Chief Secretary to Government, United Provinces.



Government Gazette,

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to this part, in order that it may be filed as a separate compilation.

Published by Authority.

ALLAHABAD, SATURDAY, APRIL 12, 1913

PART VII

GOVT. UNITED PROVINCES

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR THE UNITED PROVINCES OF AGRA AND OUDH, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO 1909.

THE Council met at the Government House, Lucknow, at 11 A.M., on Wednesday, the 9th April, 1913

PRESENT.

The Hon'ble SIR JAMES SCORGIE MESTON, K.C.S.I., LIEUTENANT-GOVERNOR,
presiding

The Hon'ble MR. D. C. BAILLIE, C.S.I., I.C.S., *Vice-President*.

The Hon'ble RANA SIR SHEORAJ SINGH, K.C.I.E.

The Hon'ble DR SUNDAR LAL, RAI BAHADUR, B.A., LL.D., C.I.E

The Hon'ble MR SAIYID MUHAMMAD ABDUR RAUF.

The Hon'ble RAI SHANKAR SAHAI SAHIB.

The Hon'ble BABU BALAK RAM

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR.

The Hon'ble RAJA KUSHALPAL SINGH, M.A., LL.B.

The Hon'ble BABU BRIJNANDAN PRASAD, M.A., LL.B.

The Hon'ble PANDIT MOTI LAL NEHRU.

The Hon'ble RAI GOKUL PRASAD BAHADUR, M.A., LL.B.

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN, B.A., LL.B.

NEW MEMBERS

QUESTIONS AND ANSWERS

[*Rai Natthi Mal Bahadur ; Mr Wood.*]

The Hon'ble SAYYID RAZA ALI, B A , LL B
 The Hon'ble MR. SHAIKH SHAHID HUSAIN, B.A , LL.B.
 The Hon'ble BABU MOTI CHAND.
 The Hon'ble MUNSHI ASGHAR ALI KHAN, KHAN BAHADUR, B.A., LL B.
 The Hon'ble MR H LEDGARD.
 The Hon'ble MR. G A. TWEEDY, I C S.
 The Hon'ble MR F. W. BROWNRIGG, I C S.
 The Hon'ble MR R BURN, I.C.S.
 The Hon'ble MR A W. PIM, I C S
 The Hon'ble MR. C H. HUTTON
 The Hon'ble Mr W G. WOOD
 The Hon'ble COLONEL C. C MANIFOLD, I M S.
 The Hon'ble LIEUT -COLONEL C. MACAGGART, C.I.E, I.M.S.
 The Hon'ble MR D M STRAIGHT.
 The Hon'ble MR H. R C. HAILEY, I C S.
 The Hon'ble MR E H. ASHWORTH, I C S
 The Hon'ble CHAUDHRI MAHARAJ SINGH, RAI BAHADUR.
 The Hon'ble RAI BISHAMBHAR NATH BAHADUR.
 The Hon'ble KUNWAR ADITYA NARAYAN SENGH
 The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN, K.C.S.I.
 The Hon'ble MR. F MACKINNON.
 The Hon'ble DR TEJ BAHADUR SAPRU, M A , LL D.
 The Hon'ble LALA SUKHBIR SINGH.
 The Hon'ble RAJA FRANCOIS XAVIER SHIAM RIKH
 The Hon'ble RAI NATTHI MAL BAHADUR, C I.E.
 The Hon'ble MUNSHI NARSINGH PRASAD, M.A , M.R.A.S.
 The Hon'ble MR W. H. COBB, I C S
 The Hon'ble MR W. J D BURKITT, I.C.S
 The Hon'ble MR. H W. PIKE, I C S.
 The Hon'ble DR. A VENIS, M.A., D LITT , C I.E

NEW MEMBERS.

The Hon'ble Dr A. Vems and the Hon'ble Mr. H. W. Pike took the oath of allegiance to the Crown prescribed by Regulation VII of the Regulations of the Governor General in Council for the nomination and election of members of the Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh and thereafter took their seats in Council.

QUESTIONS AND ANSWERS.

The Hon'ble RAI NATTHI MAL BAHADUR asked :—

"Is the Government aware that much hindrance to the work of steam factories is caused by shortage of wagons on the railway lines connected with the collieries ?

"Will the Government be pleased to ask the Railway Companies concerned to regulate the supply of wagons ?"

The Hon'ble MR WOOD replied .—

"No complaints have been received by this Government regarding the hindrance caused in the regular work of steam factories owing to the shortness of supply of coal in consequence of a want of wagons.

"The question of shortage of wagons is however engaging the attention of the Railway Board. The honourable member is referred to the statement made by the President, Railway Board, in the Imperial Legislative Council on the 8th March 1912, published in the *Gazette of India*, dated the 16th March 1912, part VI, at page 391, which deals with the whole question."

QUESTIONS AND ANSWERS

[*Rai Gokul Prasad Bahadur, Mr. Pim, Mr. Wood, Sayyid Raza Ali*]

The Hon'ble RAI GOKUL PRASAD BAHADUR asked :—

"Will the Government be pleased to state in what relation to the district board do the deputy inspector and sub-deputy inspector of schools stand at present? If they are independent of it, what agency of direct supervision of schools is left with the district board?"

The Hon'ble MR PIM replied :—

"The relation of the deputy and sub-deputy inspectors to district boards is set forth in the following rules as to district inspecting officers—

'(1) The Director of Public Instruction shall appoint, dismiss, promote, degrade, suspend and transfer district inspecting officers, but shall not exercise any of these powers except that of appointment and promotion, until he has consulted the chairman of the district board for the district in which the inspecting officer concerned is employed.

(2) District inspecting officers are responsible both to the chairman of the district board and to the inspector. Whilst under the direct control of the inspector they are, in matters relating to the administration of vernacular education, the assistants of the chairman and subject to his general control.'

"Members of district boards are at all times authorized and encouraged to visit and inspect schools maintained by their board."

The Hon'ble RAI GOKUL PRASAD BAHADUR asked :—

"Has the attention of the Government been drawn to the absence of any shed on the down platform of the Benares Cantonment railway station which is a source of great inconvenience to passengers during the hot season and the rains, and if so, what steps, if any, are under contemplation to remove this want?"

The Hon'ble MR WOOD replied :—

"It has been ascertained from the Agent, Oudh and Rohilkhand Railway, that a waiting shed (100' x 80') for passengers has been sanctioned for the down platform at Benares Cantonment and is under construction."

The Hon'ble SAYYID RAZA ALI asked :—

"(a) Has the attention of the Government been drawn to a memorial submitted to the authorities by the Indian residents of the Bareilly cantonment in May or June, 1912, and will Government be pleased to lay on the table the report of a mixed committee of civil and military officers that was appointed to inquire into the memorialists' complaints, and also state what action, if any, has been or is intended to be taken on the report?"

(b) How many and what taxes existed in the Bareilly cantonment in the beginning of 1908, and how many and what taxes are in force there at present? What is the reason of the imposition of new taxes? What were the total amounts of fines realized in 1908-09 and 1911-12 respectively, for breach of the cantonment rules?"

The Hon'ble MR. PIM replied :—

"(a) The memorial referred to was received by the Government and was returned for submission through the proper authorities. It has not been again received, but a subsequent petition, to which were appended many of the same names, stated that their names had been subscribed to the memorial without their knowledge or consent.

"The Committee referred to was held under the orders of the General Officer Commanding and its recommendations are presumably being dealt with by him. Their report has not been received by the Local Government

QUESTIONS AND ANSWERS

[*Sayyid Raza Ali, Mr Burn, Mr Burkitt.*]

"(b) The taxes which existed in 1909 and those in force now are as follows —

| | |
|------|------|
| 1909 | 1913 |
|------|------|

| | |
|-------------------------|----------------------------|
| Octroi | Octroi |
| Tax on private latrines | Tax on private latrines |
| Water tax | Water tax |
| | Tax on trades and dealings |
| | Tax on dogs |

"The tax on trades and dealings was imposed for the purpose of making good the deficit caused by the discontinuance of licence fees which had been irregularly levied and by the loss of the income from grass farm rents. The dog tax was imposed with a view to diminishing the number of stray dogs.

"Receipts from fines amounted to Rs 175 and Rs 1,385 respectively, in the years 1908-09 and 1911-12."

The Hon'ble SAYYID RAZA ALI asked —

"Will Government be pleased to reconsider the question of declaring Maulvi Maqbul-ur-Rahman, owner of the Bachhraon estate in the district of Moradabad, to be incapable of managing or unfitted to manage his own property under section 8, clause (1), sub-clause (d), part III and IV of the said Act?"

The Hon'ble MR BURN replied —

"In August last a notification was issued under section 9 of the Court of Wards Act, 1912, and a careful inquiry was made into the circumstances of Maulvi Maqbul-ur-Rahman. The Lieutenant-Governor has again examined the case and finds himself compelled, with much regret, to accept the view of the Board of Revenue that it is impracticable to take the estate under the Court of Wards."

The Hon'ble SAYYID RAZA ALI asked —

"Will the Government be pleased to allot a sum in the next budget to enable accused persons charged with a capital offence to be defended by lawyers where such accused persons are too poor to pay for legal advice?"

The Hon'ble MR BURKITT, replied —

"The Government will examine the subject, but is not prepared to make financial provision on the information at present before it."

The Hon'ble SAYYID RAZA ALI asked —

"In view of the fact that under the present system persons convicted of theft and dacoity are required to live in jails with persons guilty of offences like assault and defamation, will the Government be pleased to consider the advisability of keeping those prisoners whose offence does not imply any moral turpitude apart from the rest of the convicts?"

The Hon'ble MR BURKITT replied —

"Various classifications are made of prisoners in jail. For example, habitual offenders are kept apart from ordinary convicts, and persons sentenced to simple imprisonment, e.g. for defamation, are kept apart from others. But a classification by moral turpitude would be exceedingly difficult to accomplish, and the Government cannot regard it as practicable."

The Hon'ble SAYYID RAZA ALI asked:—

- "(a) Will the Government be pleased to state what progress has been made with the scheme for the separate representation of the Moslem community on the district and municipal boards in these provinces?
- (b) Is it contemplated to give the community an effective and substantial representation?
- (c) In what manner is the representation to be determined in places where the Moslem population is less than half?"

QUESTIONS AND ANSWERS.

[*Mr. Burn, Sayyid Raza Ali, Mr. Burkitt.*]

The Hon'ble MR BURN replied —

"The Government are unable to make any statement on this subject at present."

The Hon'ble SAIYID RAZA ALI asked.—

"Is the Government aware that in a criminal case under section 354, Indian Penal Code at Moradabad (King-Emperor versus Chhuttan) a barrister was engaged from another district to conduct the prosecution? Will the Government be pleased to consider the advisability of framing definite rules on the subject and issuing orders to all Government departments to engage local lawyers in cases in which the said department is interested or to which it is a party?"

The Hon'ble MR BURKITT replied —

"The attention of Government has been drawn to the case mentioned by the honourable member.

"The Government does not consider that it is necessary to make any definite rules or advisable to issue general orders such as those suggested in the question."

The Hon'ble SAIYID RAZA ALI asked —

"(a) Will the Government be pleased to state whether Mr. Pike's scheme concerning the executive branch of the Provincial Civil Service has been sanctioned by the Secretary of State; and if so, with what modifications?"

(b) How many new posts of deputy collector have been created under the scheme and how many out of these will be filled by promoting the tahsildars?"

(c) What portion of the scheme will be given effect to this year?"

The Hon'ble MR. BURN replied —

"(a) The Secretary of State has sanctioned the full scheme as recommended by the Local Government

(b) and (c) The honourable member is referred to the answers given to questions nos 9 and 10 asked by the Hon'ble Khwaja Ghulam-us-Saqlain on the 13th March 1913. It is not possible for the Government to say exactly how many posts out of the total number sanctioned by the Secretary of State will eventually be filled by the promotion of tahsildars."

The Hon'ble SAIYID RAZA ALI asked.—

"Will the Government be pleased to state—

(a) How many posts of law reader there were in the Muir Central College before the law school came into being, and how many readerships are attached to the law school? Before January last was the readership ever filled by requiring the candidates' knowledge of law to be tested by a committee?"

(b) Why was it considered necessary to appoint a committee to report on the respective merits of the candidates before filling the recent vacancies?"

(c) How many Musalmans, if any, have held the post of reader since the foundation of the University at Allahabad up to the present time?"

The Hon'ble MR. BURKITT replied —

"(a) There were two posts of law reader in the Muir Central College before the University School of Law was opened. The number of posts of law reader attached to the school is now four. The reply to the last query is in the negative

(b) The Committee of the School of Law deemed it advisable to test the candidates' powers of exposition.

QUESTIONS AND ANSWERS

[*Sayid Raza Ali, Mr. Burkitt, Mr. Sayid Muhammad Abdur Rauf, Mr. Burn.*]

(c) During the period when law classes were attached to the Muir Central College one Muhammadan held the post of law reader. Since the opening of the School of Law in July 1907 no Muhammadan has held the post of law reader."

The Hon'ble SAIYID RAZA ALI asked —

"Is it true that in the LLB and the High Court Vakils' examinations the usual practice is to appoint only one Muhammadan examiner, viz in Muhammadan Law? And if so, what action has Government taken, or proposes to take, to ensure several competent Muslim lawyers being appointed examiners in various subjects?"

The Hon'ble MR BURKITT replied —

"Examiners for the Vakildship examination are appointed by Government on nomination by a Board constituted as laid down in Rule 10 of the Rules as to Legal Practitioners in the Rules of the High Court. In the last 10 years the number of Muhammadan examiners has varied from 1 to 3.

"Examiners for the LLB examination are selected by a Board appointed for that purpose whose decision is subject to confirmation by the Faculty. Not more than one Muhammadan examiner has been appointed in each year.

"The Government is not prepared to interfere with the discretion of the selection Board in either case."

The Hon'ble MR SAIYID MUHAMMAD ABDUR RAUF asked —

"Will the Government be pleased to state if any tenders were invited when the Khaigapuri and Holagarh Government estates situate in the district of Allahabad were given on lease?"

The Hon'ble MR BURN replied —

"Several tenders for lease of the Khaigapuri and Holagarh estates were received though there had been no formal call for them."

The Hon'ble MR SAIYID MUHAMMAD ABDUR RAUF asked —

"Will the Government be pleased to state if Court of Wards officials are considered public servants, and, if so, under what special circumstances or conditions were the Khaigapuri and Holagarh Government Estates leased to Mr. G. Fox, who is the special manager of the Ghazipur Court of Wards?"

The Hon'ble MR BURN replied —

"The Lieutenant-Governor considers that a Court of Wards official is a Government servant for the purpose of the Government servants' conduct rules. The estates referred to were leased because it was believed that as their size did not warrant the employment of a special manager they could be managed by leasing more efficiently in the interests of both Government and the tenants than by the district officer. The lease was granted jointly to Mr. Fox, special manager under the Court of Wards, Ghazipur, and Mr. Aitchison, who have for many years held a lease of Government lands in the Ghazipur district and have proved satisfactory managers. The Lieutenant-Governor is empowered by rule to permit a Government servant to engage in business and he has no reason to believe that the grant of this joint lease will injuriously affect the work of Mr. Fox as special manager."

The Hon'ble MR. SAIYID MUHAMMAD ABDUR RAUF asked —

"Will the Government be pleased to state if Mr. Fox does even visit the estates thus leased to him, and can consistently with his other duties give personal attention to the affairs of these important estates?"

QUESTIONS AND ANSWERS.

[*Mr. Burn ; Raja Shyam Rikh ; Dr Venis , Mr Pim , Mr Baillie ,
Mr. Shaikh Shahid Husain.*]

The Hon'ble MR. BURN replied —

"The Lieutenant-Governor has no information as to whether Mr Fox has visited the estates. He understands, however, that since the lease was granted Mr Aitchison, the co-lessee, has frequently resided or toured in them "

The Hon'ble RAJA SHIAM RIKH asked —

"Would the Government be pleased to give the information as to the number of Government Inspectresses of Schools in the United Provinces and also as to how many of them are Indians ?"

The Hon'ble DR. VENIS replied —

"There are seven Inspectresses of Girls' Schools in the United Provinces who are all statutory Natives of India. There is also an Assistant Inspectress at Lucknow who is an Indian "

The Hon'ble RAJA SHIAM RIKH asked —

"Will the Government be pleased to give the following information as to the municipalities in the United Provinces ?

- (1) their number ,
- (2) the number of members (a) elected, and (b) nominated ,
- (3) the number of such members as may be Indian Christians ,
- (4) names of the municipal boards in which such Indian Christian members are serving ?"

The Hon'ble MR. PIM replied —

- "(1) 86
(2) (a) 900, (b) 285
(3) As far as can be ascertained there are only two members—both elected—who are Indian Christians
(4) They are on the Allahabad and Dehra boards "

The Hon'ble RAJA FRANCOIS XAVIER SHIAM RIKH asked —

"Would the Government be pleased to give information as to the number of the tahsildars and naib tahsildars discharging their duties as such in the United Provinces, and the number of Indian Christians holding and serving in either of such offices ?"

The Hon'ble MR. BAILLIE replied —

"There are 212 tahsildars and 232 naib tahsildars employed in this province. Of the 212 tahsildars 2 are Indian Christians. There is no Indian Christian among the naib-tahsildars "

The Hon'ble MR. SHAIKH SHAHID HUSAIN asked —

"Will the Government be pleased to state if they have received any memorial in October last from the residents and traders in the cantonment of Lucknow complaining of excessive taxation as compared with the adjoining municipality, and if so, what steps the Government propose to take on the said memorial ?"

The Hon'ble MR. PIM replied —

"The Government have received the memorial in question, but no action is contemplated with reference to it as the general question of the incidence of taxation in the Lucknow cantonment had already been referred to the Government of India "

The Hon'ble MR. SHAIKH SHAHID HUSAIN asked —

"Is the Government aware that the road between Unao and Cawnpore is in a very bad condition, and will the Government order its early repair ?"

QUESTIONS AND ANSWERS.

[*Mr. Wood, Mr. Shaikh Shahid Husain, Mr. Burkitt, Raja Kushalpal Singh; Mr. Baillie*]

The Hon'ble MR WOOD replied —

"The bad condition of the road is partly due to the abnormal traffic and the recent heavy rain, the matter is receiving the attention of the Public Works department officers with a view to the restoration of the road to its normal condition"

The Hon'ble MR SHAIKH SHAHID HUSAIN asked —

"(a) Is the Government aware that overcrowding of third class passengers is very frequent on the Oudh and Rohilkhand Railway?"

(b) Will the Government be pleased to make inquiries from the said railway as to what steps they are taking and propose to take to relieve these passengers from discomfort?"

The Hon'ble MR WOOD replied —

"The reply to (a) is in the negative

(b) It has been ascertained from the Agent, Oudh and Rohilkhand Railway, that the average number of 3rd class passengers occupying a 3rd class vehicle is less than half of the average carrying capacity of such vehicles from which it appears that due provision is made in all ordinary circumstances for the accommodation of 3rd class passengers without overcrowding"

The Hon'ble MR SHAIKH SHAHID HUSAIN asked —

"Is it a fact that from 1908 to 1912 in the judgeship of Fyzabad the clerical appointments have been made as follows —

| | | |
|-------------|-----|----|
| Hindus | ... | 49 |
| Muhammadans | ... | 5 |

Is it also a fact that this disproportion as between Hindus and Muhammadans in the clerical staff has come about during the incumbency of the present munsarim? Will the Government be pleased to make necessary inquiries?"

The Hon'ble MR BURKITT replied —

"(1) The correct figures are—

| | | |
|-------------|-----|----|
| Hindus | ... | 52 |
| Muhammadans | ... | 9 |

(2) When the present munsarim took charge, the proportion of Muhammadan clerks in the judgeship was 24 7 per cent it is now 22 3 per cent Such decrease as there has been is reported to have been due to the small number of Muhammadan candidates"

The Hon'ble RAJA KUSHALPAL SINGH asked —

"Will the Government be pleased to state whether under the old rules improvements were exempted from enhancement of revenue until the expiry of the settlement next succeeding that during the currency of which the improvements were carried out?"

The Hon'ble MR BAILLIE replied —

"The rules as to exemption from assessment of increases of rent due to improvements have varied in wording and detail from time to time Those which were in force during the time when the settlements now current were for the most part made were to the following effect —

1st.—Increases due to reclamation of waste land were exempted from assessment for a period of 15 years from the commencement of the reclamation operations

2nd.—Increases of rent due to provision of irrigation facilities were exempted from assessment provided that if the settlement officer was unable to determine

QUESTIONS AND ANSWERS.

[*Raja Kushalpal Singh, Mr. Bnllie ; Mr. Burn , Khwaja Ghulam-us-Saqlain ; Mr. Burkitt*]

the increase of rent so effected he was empowered to make such a reduction in the rental assets assessed on as might appear to him reasonable.

3rd —For other improvements the reduction to be made, and the term for which it was to have effect were left to the discretion of the settlement officer."

The Hon'ble RAJA KUSHALPAL SINGH asked —

" Will the Government be pleased to lay on the table a statement containing the present rules relating to the exemption of improvements from enhancement of revenue ?"

The Hon'ble MR BAILLIE replied —

" The present rules for the temporary exemption from assessment to land revenue of improvements consisting of the reclamation of waste land or of irrigation works are contained in the Board's circular 5—I "

The Hon'ble RAJA KUSHALPAL SINGH asked —

" Will the Government be pleased to state when Advisory Committees will be constituted in the Province of Agra under the Court of Wards Act ? "

The Hon'ble MR. BURN replied —

" Steps are now being taken for their constitution in every district, and it is hoped that arrangements will be complete in the course of the next few months "

The Hon'ble RAJA KUSHALPAL SINGH asked —

" Will the Government be pleased to consider the desirability of exempting the profits of co-operative credit societies from local taxation in the same way as they have been exempted from imperial taxation ? "

The Hon'ble MR. BURN replied .—

" Exemptions from local taxation are questions for the consideration of the local bodies concerned. The Government does not propose to issue any general orders for the exemption of the profits of co-operative credit societies from local taxation "

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

" (a) Is the Government aware that there is a general complaint as regards the mode in which subordinate officials appointed to record *salant* in the inns and sarais perform their duties ?

(b) Would the Government be pleased to issue strict orders to the subordinates that travellers should not be forced to come out of their rooms or beds at late hours of the night and that the male officials should be strictly enjoined not to unveil ladies or force them to show their faces ? "

The Hon'ble MR BURN replied .—

" (a) The answer is in the negative.

(b) In the absence of any information that abuses occur the Lieutenant-Governor is not prepared to issue any orders "

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

" (a) Did the Government receive a memorandum, dated 25th March 1909, of a scheme to regulate the rate of interest and control the money-lending trade, sent by Hafiz Abdur Rahim of Aligarh, a former President of the Provincial Conference of the United Provinces ?

(b) Would the Government be pleased to inform what steps were taken on it ?

(c) Would the Government be pleased to lay it on the table for the information of this Council ? "

The Hon'ble MR. BURKITT replied :—

" (a) The answer is in the affirmative.

QUESTIONS AND ANSWERS.

[*Khwaja Ghulam-us-Saqlain; Mr. Burkitt; Mr. Wood.*]

(b) After careful consideration of the proposal and consultation with selected officers, the Government came to the conclusion that it was not advisable to take action on the lines indicated.

(c) A copy of the memorandum is laid on the table "

(See Appendix I)

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

- "(a) Is the Government aware that the All-India Muhammadan Educational Conference on several occasions passed resolutions to the effect that the examination papers should not bear the names [of the candidates but only their roll number or fictitious names ?
- (b) Is the Government aware that the system mentioned in paragraph (a) of this question was in force in the early nineties in these provinces and is still in force in the Punjab and Calcutta Universities ?
- (c) Would the Government be pleased to recommend to the Director of Public Instruction, the University and the High Court to adopt the system in the Arts, Law, and Matriculation examinations by which the names of the candidates might not be disclosed ?"

The Hon'ble MR. BURKITT replied —

- "(a) The answer to this part of the question is in the affirmative
- (b) The Government is informed that the system alluded to was in force in a modified manner in the University examinations up to 1895, but it does not appear ever to have been in force in the High Court examinations. It does not appear to be in force in the Punjab University. No information is available as to the usage in the Calcutta University, no reply having as yet been received to the Government's letter on this subject to the Registrar of that University.
- (c) The Government understands that the University of Allahabad intends to introduce the system in examinations other than Matriculation examination. It is also understood that the question of its introduction in the case of the Matriculation examination is under consideration. The Government will await the result of the experience to be thus obtained before moving further in the matter "

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked :—

- "(a) Has it been brought to the notice of the Government that there is great danger to the life of passengers, particularly of women and children on dark nights, on the Delhi-Shahdara East Indian Railway station due to there being no overbridge ?
- (b) Would the Government be pleased to recommend to the railway authorities the speedy construction of an overbridge between the two platforms ?"

The Hon'ble MR. WOOD replied —

"The reply to (a) is in the negative

- (b) The construction of a foot overbridge at the Delhi-Shahdara East Indian Railway station has been sanctioned and tenders for steel works, &c., have been invited. The Agent states that the work will be completed as soon as possible."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked :—

- "(a) Is the Government aware that on the Shahdara-Saharanpur Railway (light railway) there are no carriages of the 2nd class, there is only one carriage of the 1st class which is very seldom used ?

QUESTIONS AND ANSWERS

[*Mr. Wood; Rai Natthi Mal Bahadur; Mr. Burn, Mr. Pim, Rai Bishambhar Nath Bahadur, Mr. Straight*]

(b) Would the Government be pleased to recommend to the Shahdara-Saharanpur Railway authorities to arrange that for the 2nd class passengers some compartment be provided?"

The Hon'ble MR. WOOD replied:—

"The reply to (a) is in the affirmative

"In regard to (b) the Local Government would not be justified in asking the Shahdara-Saharanpur Light Railway authorities to provide a 2nd class compartment in view of the fact that in 1909 this class of accommodation had to be discontinued owing to a lack of 2nd class passengers

"In 1908 the average 2nd class passenger traffic was less than one passenger per diem."

The Hon'ble RAI NATTHI MAL BAHADUR asked —

"Has the attention of the Government been drawn to constant complaints of shopkeepers, who are required to supply officers and staff while in camp with all sorts of food stuffs as then *rasad* and to be in attendance at the camps throughout the day time?"

"Would the Government be pleased to stop the way of supplying *rasad* which causes great hardship to marketmen?"

The Hon'ble MR. BURN replied:—

"During the last four years only three complaints regarding the system of *rasad* have reached Government. Revised rules were framed in 1903 which appear to have considerably reduced the complaints made by shopkeepers. The Lieutenant-Governor will be glad to consider practical suggestions for the removal of any inconveniences which still exist"

The Hon'ble RAI NATTHI MAL BAHADUR asked:—

"(i) Is the Government aware that cases of miscarriage of justice often occur, when business men, being required to produce before some court or officer their account books (*bahr khata*s) for income tax assessment or for having some advantages in civil cases, replace the genuine pages by forged ones or introduce other sorts of false entries into them?"

"(ii) In view of the above fact will the Government be pleased to take into consideration the advisability of introducing some special arrangements under which each page of business account books (*bahr khata*s) be sealed by some responsible Government officer?"

The Hon'ble MR. PIM replied:—

"(i) The Government regrets that there is reason to believe that cases such as those alluded to by the honourable member do sometimes occur

"(ii) The Government is unable to take action on the lines suggested."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked:—

"Will the Government be pleased to state the number of murders committed in the city and dacoities in the district of Cawnpore during the last twelve months? In how many cases have the murderers and dacoits been arrested and brought to justice? Also what was the number of murders and dacoities committed there in the preceding two years?"

The Hon'ble MR. STRAIGHT replied:—

"A statement giving the figures called for by the honourable member is laid on the table."

(See Appendix II)

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked:—

"Will the Government be pleased to state whether there is any Government Institution in the city of Cawnpore for the education of girls? Also what is the

QUESTIONS AND ANSWERS.

[*Dr. Venis, Rai Bishambhar Nath Bahadur, Mr. Pim; Mr. Hutton.*]

amount the Government spends there by way of grant or otherwise on female education?"

The Hon'ble DR. VENIS replied —

"(a) The answer to the first part of the question is in the negative.

(b) The sum of Rs 160-2-8 p m. is spent by Government on female education in Cawnpore."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked :—

"Is the Government aware of the fact that improper use and illicit sale of cocaine are rapidly growing in these provinces? If so, does it propose to take any special steps to check them?"

The Hon'ble MR. PIM replied —

"The Government is aware that the misuse of cocaine is a serious evil. It is doing everything that prudence and experience can suggest to limit the consumption of the drug but we largely depend for success on the international control which was recommended by the recent Conference on the subject at the Hague."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Will the Government be pleased to state whether it is proposing to amend the Regulations for election and nomination of members to the Legislative Council in this province so that Government treasurers may become eligible for membership in spite of the fact that they are officials?"

The Hon'ble MR. BURN replied —

"No action is being taken at present"

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Will the Government be pleased to state whether the experiment of allowing certain municipal boards in these provinces to have elected non-official chairmen has proved a success? If so, will the Government be pleased to extend the privilege to other municipalities to which hitherto non-official chairmen have been provided by Government nomination?"

The Hon'ble MR. PIM replied :—

"The experiment of allowing certain municipal boards to have elected non-official chairman has had a sufficient measure of success to allow of its further extension. The question is now engaging the attention of the Government, but there are special difficulties in making the change in a number of municipalities until the systems of taxation intended to replace octroi are in proper working order."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Will the Government be pleased to state whether it has received a memorial from the residents of Deomai, pargana Kora, district Fatehpur, praying for the erection of a bridge to cross over the canal and for the opening of a minor canal for supplying water to the village for irrigation? If so, does the Government propose to comply with the request of the memorialists?"

The Hon'ble MR. HUTTON replied :—

"Government has received the memorial referred to and the memorialists have already been informed that no canal minor can be constructed as the area it would serve is already well protected by masonry wells. The question of a bridge across the canal is under consideration."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Will the Government be pleased to state if the late Lieutenant-Governor of the United Provinces, with a view to lighten the burden of liabilities on the Ajodhya estate was pleased to give an assurance to the Maharani of Ajodhya

[QUESTIONS AND ANSWERS]

[*Mr. Tweedy ; Rai Bishambhar Nath Bahadur.*]

that the outlying portions of the Ajodhya estate situate in Bara Banki and Sultanpur districts might be sold, but that the Fyzabad and Gonda portions of the said estate would be left intact to develop themselves in course of time?"

The Hon'ble Mr TWEEDY replied —

"No such promise by the late Lieutenant-Governor to the Maharani of Ajodhya is on record"

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Is it a fact that one Gonda portion of the estate which constitutes nearly a half of it, was granted to the late Man Singh Bahadur, K C S.I., Qaem Jang, as a reward for conspicuous services rendered during the mutiny of 1857-58, and that 20 villages out of this estate have been lately sold by the Court of Wards, United Provinces?"

The Hon'ble MR TWEEDY replied .—

"The reply to the first part of the question is in the affirmative. Twenty of the villages of the Ajodhya estate in Gonda of which eight formed part of the mutiny grant, were sold to the Payagpur estate in 1911."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked .—

"Will the Government be pleased to state (1) if free residence in the Kunj Kuteer Kothi of the Ajodhya estate situate in the Civil Lines, Fyzabad, allowed to the Special Manager of the said estate, is part of the terms on which his services have been engaged, (2) if Sir John Hewett, late Lieutenant-Governor of the United Provinces, promised the Maharani of Ajodhya in February 1907, that the office of the court of wards should always be located in the splendid offices in Ajodhya, and (3) if, despite such kindly undertaking on the part of Sir John a bungalow on Rs. 75 per mensem, with additional monthly recurring charges, has been recently rented at Fyzabad?"

The Hon'ble MR. TWEEDY replied .—

"1. The terms on which the manager of the Fyzabad portion of the Ajodhya estate was appointed include a free house. The house at present occupied by the manager is the Kunj Kuteer Kothi.

2. No such promise is on record

3. In the interests of efficiency the head office of the estate (except the vernacular record room) was in November last removed as an experimental measure to a house hired at Rs. 75 per mensem near the office of the Deputy Commissioner of Fyzabad"

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked .—

"Is it a fact that the Court of Wards when it first assumed charge of the Ajodhya estate, obtained a valuation of the estate jewellery from Messrs. Bechtler and Sons, Limited, Jewellers of Allahabad, and that subsequently the same jewellery was appraised by Messrs Hamilton and Co of Calcutta, and then sold by them by public auction? If so, will the Government be pleased to lay on the table a comparative statement showing detailed valuations respectively of Messrs Bechtler and Sons and Messrs Hamilton and Co, and the prices subsequently fetched?"

The Hon'ble MR TWEEDY replied :—

"The Government declines to make public the details of what is essentially a family concern."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Will the Government be pleased to state (1) if there has been a proposal by the Court of Wards to send the minor ward of the Ajodhya estate for education to the Mayo College, Ajmer, (2) if a grant towards this object has been already provided in the estate budget, and (3) if so, when, in view of the said

QUESTIONS AND ANSWERS.

[Mr. Tweedy; Rai Bishambhar Nath Bahadur ;

Dr Tej Bahadur Sapru, Mr Burkitt.]

ward now growing in age, it is proposed to send him to school, and (4) whether, in the opinion of the Government, the education imparted and other arrangements existing in the distant Mayo College would be more suited to the ward now said to be about eight years old than those obtainable at the Colvin Taluqdar's School at Lucknow?"

The Hon'ble MR TWEEDY replied —

"There is no intention of sending the boy to school at present"

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Will the Government be pleased to state if the Maharani of Ajodhya has had free use allowed her of the garden produce of the Shankar-Niwas gardens, but not of the big has of cultivated land therein usually rented to tenants, whether this land has been recently made over to her? If so, the reasons which have dictated this departure?"

The Hon'ble MR TWEEDY replied.—

"The Government does not think it appropriate to discuss the Maharani's domestic affairs."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"(a) Is it a fact that the resettlement of the Ajodhya estate, both Fyzabad and Gonda portions, has been ordered as a special measure of relief?"

(b) If so, will the Government be pleased to state the period in which this will be completed, and the probable maximum amounts of enhancements in the case of each district?"

The Hon'ble MR TWEEDY replied.—

"The resettlement of the rents of both the Fyzabad and Gonda sections of the Ajodhya estate has been undertaken as the normal periodical enhancements had not been taken. The operations will continue for at least a year longer. In certain villages which were leased by the late Maharaja for long periods the work cannot be undertaken till 1322 fasli and 1323 fasli. No reliable forecast can be made of the total enhancements which will be secured. The enhancements up to the end of last December, aggregated Rs 34,000 in the Fyzabad portion and Rs. 43,000 in the Gonda portion of the estate"

The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked:—

"Will the Government be pleased to state if the splitting up of the Ajodhya estate for the purpose of management into two portions, Fyzabad and Gonda, in May 1911, was effected from motives of economy? If so, has the looked-for economy been achieved, or is it likely to be achieved in future, and the directions in which any saving has resulted and the actual amount thereof?"

The Hon'ble MR. TWEEDY replied —

"The division of the Ajodhya estate into two charges and the appointment of two managers was made in the interests of good management."

The Hon'ble DR TEJ BAHADUR SAPRU asked —

"Will the Government be pleased to state whether the names and qualifications of Professor Umesh Chandra Ghose of the Muir Central College, and of Dr Ganesh Prasad of the Queen's College, Benares, were brought to the notice of the Government of India, or the Secretary of State for India in Council, in connection with the vacancy caused by the retirement of Professor Cox?"

The Hon'ble MR BURKITT replied.—

"In November 1911 the Government of India were asked to obtain the services of a Professor of Mathematics in the Muir Central College. No recommendations were made in favour of any particular candidate"

QUESTIONS AND ANSWERS.

[*Dr. Tej Bahadur Sapru; Mr. Burkitt, Mr Pim*]

The Hon'ble DR. TEJ BAHADUR SAPRU asked.—

"(a) Has the attention of Government been drawn to the answer given by the Hon'ble Mr. Sharpe to a question recently put by the Hon'ble Rai Sri Ram Bahadur in the Imperial Legislative Council regarding the increase in the salaries of Head Masters in the Indian Educational Service ?

(b) With reference to the statement made by the Hon'ble Mr Sharpe in the course of his answer to the question referred to above, viz. 'It has also been recommended that other deserving cases or cases of hardship, which have been reported, should be treated by the Local Governments concerned under powers governing the grant of allowances which were last year conferred upon Local Governments,' will Government be pleased to state whether it is proposed to give relief to deserving members of the Provincial Educational Service in these provinces, similar to that which has been given in other provinces ?

(c) Have any such cases been reported to Government, and if not, will Government be pleased to enquire whether such cases do exist?"

The Hon'ble MR BURKITT replied —

"The answer to the first part of the question is in the affirmative.

"After a careful consideration of the claims of the various officers of the Provincial Educational Service, it has been decided to give an immediate increase of pay or personal allowances to the following officers —

| | Present pay | Pay raised to— |
|---|-------------|---------------------------------------|
| | Rs | Rs |
| (1) Mr J W Bacon | 800 | 700 per mensem |
| (2) Mr W J Moss | 600 | 700 do |
| (3) Dr Ganesh Prasad | 250 | 400 do |
| (4) Dr Ganga Nath Jha | 300 | 400 do |
| (5) Mr Tuka Ram Laddu | 250 | 400 do |
| (6) Mr J O Kempster | 400—20—500 | 400—20—700 do |
| (7) Mr H Banbery | 400—20—500 | 400—20—700 do |
| (8) Mr H F Manley | 400 | 500 do |
| (9) Mr F A Cooper | 400 | Personal allowance of Rs 100 p m |
| (10) R B Gayanendra Nath Chakravarti | 700 | Personal allowance of Rs 100 p m " |

The Hon'ble DR. TEJ BAHADUR SAPRU asked.—

"Will the Government be pleased to state the total number of municipal boards in these provinces which have non-official chairmen?"

The Hon'ble MR PIM replied:—

"The total number of municipal boards in these provinces which have non-official chairmen is twenty, including Gorakhpur, in which the Government pleader is chairman."

The Hon'ble DR. TEJ BAHADUR SAPRU asked —

"Will the Government be pleased to state—

(i) whether its attention has been drawn to the proceedings of a recent meeting of the municipal board of Allahabad at which it passed a resolution urging the extension to it of the principle of electing or appointing a non-official chairman; and

(ii) whether Government has received any memorial on the subject from the said board and, if so, how has that memorial been disposed of?"

The Hon'ble MR. PIM replied —

"(i) The Government understands that such a resolution was passed.

(ii) The Government have just received the memorial referred to and it is under consideration."

QUESTIONS AND ANSWERS.

[*Dr Tej Bahadur Sapru, Mr. Pim, Babu Moti Chand; Mr. Burn, Mr Straight*]

The Hon'ble DR. TEJ BAHADUR SAPRU asked —

"Will the Government be pleased to state whether it proposes to appoint a committee to consider the means to be adopted for the extension and improvement of primary education in these provinces, and if so, whether such committee will include some non-officials also?"

The Hon'ble MR PIM replied —

"The reply is in the affirmative"

The Hon'ble BABU MOTI CHAND asked —

"Will the Government be pleased to state when the revision and amendment of the Agra Tenancy, Municipalities, and the District Boards Acts is likely to be brought up before the Council?"

The Hon'ble MR BURN replied —

"Reports of committees appointed to draft Bills amending the Agra Tenancy and the United Provinces Municipalities Acts are now under the consideration of Government. A number of proposals for amending the United Provinces District Boards Act are also before Government. No statement can be made at present as to the probable date on which amending Bills are likely to be introduced into Council."

The Hon'ble BABU MOTI CHAND asked —

"Will the Government be pleased to state, with reference to the provision of Rs 2,05,000 in the budget estimate for 1913-14, for purchase of clothing for provincial police from Europe, the circumstances which necessitate the purchases being made in Europe?"

The Hon'ble MR STRAIGHT replied:—

"The provision of Rs. 2,05,000 referred to by the honourable member is not merely for clothing for the provincial police supplied from Europe, but also for clothing purchased in India. As a matter of fact the bulk of the uniform for the police is purchased in India. The only exceptions to this rule are red turbans and kamarbands which it has not been possible to purchase satisfactorily in India."

The Hon'ble BABU MOTI CHAND asked —

"Will the Government be pleased to state whether it is intended to invite tenders from the manufacturing firms in India for the supply of the requisite quality of cloths for the police?"

The Hon'ble MR STRAIGHT replied:—

"Tenders for the purchase and supply of made-up clothing with the exception of turbans and kamarbands, are periodically invited through the medium of the Press. Our present contracts will expire on the 31st March 1914 and fresh tenders will be invited early in the ensuing cold weather as usual."

The Hon'ble BABU MOTI CHAND asked:—

"Will the Government be pleased to state in what districts there are tahsil committees, and what is their number in each district?"

The Hon'ble MR PIM replied:—

"A statement giving the information required is placed on the table."

(See Appendix III)

The Hon'ble BABU MOTI CHAND asked —

"Will the Government be pleased to state whether any of these committees have been entrusted with deliberative functions and with financial responsibility?"

The Hon'ble MR PIM replied:—

"The functions assigned up to the present to most of the tahsil committees are use of inspection and deliberation for the purpose of representing the needs of the tahsil or sub-division to the district boards. A considerable degree of

QUESTIONS AND ANSWERS

[*Babu Moti Chand, Mr. Pim, Mr. Burn.*]

financial independence has been granted to the committees of the sub-divisions of Karwi, Mahoba and Lalitpur and orders are under issue which will increase their financial independence and will extend the same principles to the other similar sub-divisions "

The Hon'ble BABU MOTI CHAND asked —

" Will the Government be pleased to state whether in the interests of extending the training in local self-government and of lightening the work of district boards it proposes to take any steps to secure to these committees by delegation, some of the administrative and deliberative functions vested in the district boards, as also some measure of financial responsibility ?"

The Hon'ble MR PIM replied —

" The policy of the Government with reference to these committees was set out in the last resolution on the working of district boards published in the Gazette of January 3rd. Considerable progress has been made in the direction indicated by the honourable member and a further gradual advance is contemplated. As stated in that resolution the rate of progress must however largely depend on the number of gentlemen who are found willing to devote their energies to the work of these committees "

The Hon'ble BABU MOTI CHAND asked —

" Will the Government be pleased to state whether it is proposed to appoint an agricultural engineer, if so, whether any steps have been taken to secure the services of a competent person ?"

The Hon'ble MR BURN replied :—

" It is proposed to appoint an agricultural engineer. The Government has selected Mr F H Vick, at present officiating Superintendent of the Roorkee workshops. Mr. Vick has acted for some time as technical adviser to the agricultural department in mechanical matters and appears to be the most suitable person available "

The Hon'ble BABU MOTI CHAND asked —

" Will the Government be pleased to state what special qualifications would be necessary in an agricultural engineer ?"

The Hon'ble MR BURN replied —

" The requisite qualifications have been laid down by the Government of India as a thoroughly sound knowledge of mechanical engineering together with at least five years' practical experience in pumping plant (oil and steam) for irrigation and in other agricultural machinery. Since much travelling in all weathers will be required the agricultural engineer should also be a man of good physique and constitution "

The Hon'ble BABU MOTI CHAND asked —

" Will the Government be pleased to state the necessity that exists for the employment of an agricultural engineer ?"

The Hon'ble MR. BURN replied —

" Evidence of the necessity of an agricultural engineer to the efficiency of the agricultural department will be found in the proceedings of the Agricultural Conference held in Allahabad in January 1911. At that conference repeated requests for assistance in mechanical matters were preferred by a large number of non-official speakers. Since then the demand for such assistance has increased in volume and urgency. The Government finds cause to believe that under the stress of rising wages and the growing cost of cattle power the agriculture of the provinces is now entering on the mechanical period and that a rapidly expanding demand for advice in the mechanics of agriculture may with confidence be anticipated."

QUESTIONS AND ANSWERS

[*Babu Moti Chand, Mr. Tweedy, Rai Ganga Prasad Varma Bahadur, Mr. Wood*]

The Hon'ble BABU MOTI CHAND asked —

"Will the Government be pleased to state as to what extent Indians are to be given preference in the appointment of special managers to private estates under the superintendence of the Court of Wards?"

The Hon'ble MR. TWEEDY replied —

"The question of racial preference does not arise. Save in exceptional cases, special managers are appointed from the cadre of Deputy Collectors and Tahsildars who, as the honourable member is aware, are to a very large extent Indians."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"(a) Is the Government aware that at the Hardwar railway station passengers holding only second class tickets are allowed admission to the platform, that the station staff prevents second class passengers from bringing their servants, that gentlemen and ladies holding intermediate class tickets are not allowed entrance into the platform till after the arrival of the train, that there is only one exit and entrance for passengers belonging to all classes—male and female? If these restrictions exist, are they due to want of accommodation on the platform as well as to want of sufficient light? Will the Government be pleased to advise the Railway administration to extend the platform and have proper arrangements for light?"

(b) Is the Government aware that the railway station at Hardwar has two sidings, but there is no over-bridge for the passengers to cross the railway lines?

(c) In view of the fact that the town of Hardwar is growing towards Bhimgoda, will the Government be pleased to suggest to the Railway administration the necessity of erecting one more station in Hardwar near Bhimgoda for the convenience of the passengers?"

The Hon'ble MR. WOOD replied —

"(a) It has been ascertained from the Agent, Oudh and Rohilkhand Railway, that as a rule I, II and Intermediate class ticket holders are on ordinary occasions allowed access to the platform prior to arrival of trains, but during Melas Intermediate class ticket holders have to be excluded in order to overcome the difficulty experienced in controlling the excessive rush of passengers. *Bona fide* servants of 2nd class passengers are not excluded

The main gate at the centre of the station provides exit and entrance for I, II and Intermediate class passengers—male and female—for 3rd class passengers there is an exit gate at the Dehua Dun end of the station and entrance to the platform obtained from the pen gates at the Lhaksar end of the station. The main platform is 1,500 feet long and its extension would not be justifiable the lighting arrangements appear sufficient.

(b) Presumably by 'sidings' the honourable member means platforms—if so an overbridge was provided in 1910 connecting the two platforms

(c) Considering the short distance between the Hardwar railway station and Bhimgoda the Local Government would not be justified in suggesting the construction of one more station near Bhimgoda."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to give the details of the Reorganization Scheme of the cadre of the Deputy Collectors and also inform when the scheme will be brought in force?"

QUESTIONS AND ANSWERS

[*Mr Burn; Rai Ganga Prasad Varma Bahadur, Mr Burkitt, Colonel Manifold, Lala Sukhbir Singh*]

The Hon'ble MR BURN replied —

"The honourable member is referred to the answer given in reply to a similar question asked by the Hon'ble Khwaja Ghulam-us-Saqlain on March the 13th, 1913"

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to say whether the Greeven scheme of judicial reorganization as far as it relates to Kumaun will be in force this year? If not, will the Government be pleased to state what has led to its postponement?"

The Hon'ble MR BURKITT replied —

"(1) The answer is in the negative.

(2) The introduction of the scheme into Kumaun has had to be postponed until buildings can be provided"

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Is it a fact that very recently several Civil Assistant Surgeons, some of them holding the best university and service records, have resigned Government service on the plea of uncongenial prospects in service?"

The Hon'ble COLONEL MANIFOLD replied —

"Recently three Civil Assistant Surgeons have resigned Government service. One, who was temporarily employed and held the M B degree, saw an opportunity of successfully starting himself in private practice, and gave this as his reason for resigning his chances of further Government service. Of the other two, one was an MB with a distinguished college career. Both advanced the plea that the pay and prospects of the service were not satisfactory"

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Is it a fact that the Government of India require that twenty-two Military Assistant Surgeons should be provided with work on the civil side? If so, can the intentions of the Government of India not be fulfilled by putting most of the Military Assistant Surgeons in charge of branch of district civil hospitals as Assistant Surgeons? Will the Government be pleased to instruct the Medical Department to distribute the higher posts on a more equitable basis?"

The Hon'ble COLONEL MANIFOLD replied —

"It is a fact that the Government of India require that Military Assistant Surgeons should be provided with work on the civil side

"The cadre of Military Assistant Surgeons of these Provinces is 24. This includes two reserve appointments for casualties. The number, as well as the appointments to which they are allotted, have been fixed by the Government of India, and this Government cannot give any instructions at variance with their directions"

The Hon'ble LALA SUKHBIR SINGH asked —

"In view of the fact that the Greeven scheme has now received the sanction of the Secretary of State will the Government be pleased to state as to when it is going to issue orders regarding the court of the Additional District and Sessions Judge, Meerut, to be made permanent according to the recommendations of the committee?"

The Hon'ble MR BURKITT replied —

"The Court has been made permanent since the 1st of April."

The Hon'ble LALA SUKHBIR SINGH asked :—

"Is the Government aware that for about a year the establishment of this court is treated as temporary and their salaries regulated under Article 78A, Civil Service Regulations, thus causing a loss to the establishment concerned and will it be pleased to give it a retrospective effect?"

QUESTIONS AND ANSWERS

[*Mr. Burkitt, Lala Sukhbir Singh, Mr. Pim, Munshi Narsingh Prasad, Mr. Burn*]

The Hon'ble Mr. BURKITT replied —

"Government sees no reason to give retrospective effect to the order making this court permanent."

The Hon'ble LALA SUKHBIR SINGH asked —

"(a) Is the Government aware of the conference convened by His Excellency the Governor of Fort William in Bengal at Darjeeling in October last regarding the supply of pure drinking water in rural areas in those provinces?"

"(b) Will the Government be pleased to invite the attention of the district boards to spend the additional income consequent on the remission of appropriations from cesses for rural police made by the Government of India chiefly on the improvement of sanitation, drainage and the supply of pure drinking water in rural areas?"

The Hon'ble Mr. PIM replied :—

"(a) The Government understand that such a conference was held but have no information as to its proceedings

"(b) As a result of the increased income which will now accrue to district boards a revision of their existing contracts will be necessary. District boards will in this connection be required to draw out schemes for the employment of their new resources with due regard to the purposes mentioned by the honourable member."

The Hon'ble MUNSHI NARSINGH PRASAD asked —

"Will the Government be pleased to state why the claims of Assistant Inspectors of Schools in these provinces were overlooked in filling up the temporary vacancy caused by Mr Bilgrami's going on leave? Was it because none of the Assistant Inspectors of Schools was considered sufficiently qualified to fill up this temporary vacancy that it became necessary to make a temporary appointment from outside?"

The Hon'ble Mr. BURN replied —

"It was known at the time it occurred that the vacancy caused by Sayid Mahdi Husain Bilgrami's departure was likely to become permanent. Before making an appointment the Lieutenant-Governor considered the claims and qualifications of all assistant inspectors of schools and of other available candidates and decided to fill the vacancy by the appointment of M. Abdul Aziz. The vacancy has now become permanent by the resignation of Sayid Mahdi Husain Bilgrami."

The Hon'ble MUNSHI NARSINGH PRASAD asked :—

"Is the Government aware that a hostel is urgently needed in the Government Industrial School, Gorakhpur, and that for want of it boys coming from a distance have to live in undesirable quarters? Will the Government be pleased to build a hostel for the said school?"

The Hon'ble Mr. PIM replied —

"The need of a hostel for the Gorakhpur Industrial School has been reported to the Government and the Committee of the school have been directed to prepare plans and estimates for it."

The Hon'ble MUNSHI NARSINGH PRASAD asked —

"(a) Is the Government aware that the number of trained teachers turned out of the Training colleges at Allahabad and Lucknow is not sufficient to meet the growing demand for trained teachers both in Government and private schools?"

"(b) Will the Government be therefore pleased to establish some more training colleges for teachers?"

QUESTIONS AND ANSWERS

[*Mr Burkill, Munshi Narsingh Prasad, Dr Venis*]

- (c) If the establishment of more training colleges be not possible in the near future, will the Government be pleased to order that a larger number of students be admitted into the existing training colleges than is allowed under the present rules?"

The Hon'ble Mr BURKITT replied —

"(a) The Government believes that this is the case.

(b) The Government has proposals of this nature under consideration.

(c) The Government does not consider the course proposed necessary or advisable."

The Hon'ble MUNSHI NARSINGH PRASAD asked —

"In view of the Government of India's recent resolution on education, will the Government be pleased to take steps to make inter communication between the training colleges of India possible, and will it also extend the principle to the schools of these provinces so that headmasters and senior teachers may benefit by visiting other institutions?"

The Hon'ble Mr BURKITT replied —

"Provision has been made by rule 444A of the Educational Code for visits not only by members of the staff of training colleges, but by all officers serving in Government educational or technical institutions to institutions in other provinces or presidencies. Visits by head masters and senior teachers to institutions within this province can be arranged for when considered advisable. It does not appear necessary to frame any special rules on this subject."

The Hon'ble MUNSHI NARSINGH PRASAD asked —

"With reference to question no 30 put by the Hon'ble Dr Tej Bahadur Sapru in the last Council meeting and the answer given by the Government thereto, will the Government be pleased to state the qualifications of Mr R. H. Moody, the new Professor of Mathematics of the Muir Central College?"

The Hon'ble Dr VENIS replied —

"Mr Moody's qualifications are —

M A (Aberdeen), with First Class Honours in Mathematics and Natural Philosophy, 1905.

B.A (Cambridge) 1908 (Fifth wrangler)

M A (Cambridge) 1912

Professional training and experience

Three years' course of training at the Church of Scotland Training College, Aberdeen, obtaining Ogilvie Medal thereat in 1908. Lecturer in Mathematics, Municipal Institute, West Ham, from September 1909 to January 1913. Examiner for Fullerton Scholarship in Mathematics and Natural Philosophy—Aberdeen University, 1910"

The Hon'ble MUNSHI NARSINGH PRASAD asked —

"(a) Is it a fact that no Indian has so far been appointed to the Indian Educational Service in these Provinces?"

(b) Will the Government be pleased to recommend the promotion of Dr. Ganesh Prasad to the Indian Educational Service?"

The Hon'ble Mr BURKITT replied:—

"(a) The answer is in the affirmative

(b) The Government is not prepared to do as suggested at present."

QUESTIONS AND ANSWERS

[*Munshi Narsingh Prasad, Mr. Burkitt, Babu Brijnandan Prasad; Mr. Burn, Mr. Hailey*]

The Hon'ble MUNSHI NARSINGH PRASAD asked —

"In view of the fact that malaria has a strong hold in many of the districts of these provinces, will the Government be pleased to order free distribution of quinine to students of Government, aided and private schools during the malarial season?"

The Hon'ble MR. BURKITT replied —

"The proposal of the honourable member would involve large recurring expenditure which would probably increase from year to year. The Government therefore cannot accept his proposal, but will consider measures to render as cheap as possible the distribution of quinine in schools."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Will the Government be pleased to state which of the recommendations of the Pike Committee regarding the Revenue Staff have been adopted or sanctioned by it?"

"What addition is to be made to the cadre of Deputy Collectors? What improvements are to be made in the pay of the staff? When is the scheme to be given effect to?"

The Hon'ble MR. BURN replied —

"The recommendations of Mr Pike's Committee regarding the revenue staff of Commissioners and district offices are engaging the attention of the Government."

As regards the revision of the Deputy Collectors' cadre the honourable member is referred to the answer given to question no. 9 asked by the Hon'ble Khwaja Ghulam-us-Saqlain on March the 13th, 1913."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Will the Government be pleased to state which of the proposals of the Greeven Committee regarding the improvement in the pay and prospects of the amins, copyists and other civil court employes have been sanctioned by Government and when they are to be enforced?"

The Hon'ble MR. BURKITT replied —

"The Greeven Committee made recommendations as to amins, copyists, and apprentices. No decision has as yet been arrived at as to the amins. The case of the copyists in civil courts will be considered in connection with the proposals of the Pike Committee as to copyists in magisterial and revenue courts. Allowances will be granted to apprentices at Rs 10 per mensem from 1st April, 1913."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"(a) Will the Government be pleased to state the results of the trial of the Hadi process of sugar refining? Has the process been found to be a real or useful improvement?"

"(b) How much Government money has been hitherto spent on the experiment and has it resulted in gain or loss? Will the Government be pleased to lay a statement on the table showing under appropriate heads the total outlay on the experiment from the public funds and the gain or loss therefrom from the time the Government took it up?"

"(c) Is the Government in a position to state how many private firms or gentlemen were led to devote their moneys in trying the Hadi process at the suggestion or persuasion of Government officials? How much money was so devoted and with what results?"

The Hon'ble MR. HAILEY replied —

"1. The matter has been dealt with from time to time in the publications of the Agricultural Department. The results of the working of the process from

THE UNITED PROVINCES STEAM BOILERS AND PRIME MOVERS
(AMENDMENT) BILL

[*Mr Wood*]

a technical point of view are exhaustively dealt with in a publication issued in the *Agricultural Journal*, Volume 1, part 1, January 1910.

2 A special advance was made by Government for the purchase of the machinery used in the process. A statement is laid on the table showing how far this has been recouped and the probable loss. In addition a certain sum has been spent on the pay and travelling allowance of the special staff which was met from the budget of the Agriculture Department and for which separate accounts cannot be given.

3 In all, 39 firms or individuals hired the machinery from the department. Government is not in a position to say how far they acted on their own initiative or on the suggestion of officials, nor is it in possession of the accounts of the working of the factories.

(See Appendix IV)

THE UNITED PROVINCES STEAM BOILERS AND PRIME MOVERS
(AMENDMENT) BILL

The Hon'ble MR WOOD, moved for leave to introduce a Bill to amend the United Provinces Steam Boilers and Prime Movers Act, 1899. He said —

"I rise to ask permission to introduce a bill to amend the United Provinces Steam Boilers and Prime Movers Act of 1899. The statement of objects and reasons which will be found printed at the end of the bill has been very carefully drawn up, and, I think, fully explains the necessity for the alterations in the Act. The amendments are few in number and principally affect sections 10, 11 and 14 of the Act. The other alterations are of minor importance. The Act as it stands does not provide that any report should be made to the inspector of structural alterations or renewals made to steam boilers or prime movers, nor does it provide for any report being made to the inspector on the occurrence of an accident. Both these omissions have been frequently brought to notice of late years in cases that have occurred in the province. They have now been rectified by the addition of two new sections, 10A and 10B, and consequential provision has also been made in the penalty section, 14, as it is obviously useless to introduce a new requirement without a corresponding remedy for non-compliance. There is yet a third omission in the Act. Section 5 lays down that a boiler or prime mover must not be used without a licence, and section 8 lays down the conditions for the grant of a licence. They are, first, that the boiler or prime mover shall be in safe working order, and secondly, that it shall be in charge of a fully qualified engineer or engine-driver. There is no provision in the Act that the boiler or prime mover shall remain throughout the period for which the licence is available in charge of a qualified engineer or engine-driver. Section 10 now provides for this. The amplification of section 10 by the addition of 10A and 10B is counterbalanced to a certain extent by considerable curtailment in section 11. In looking at the papers in connection with the bill, I find that it was suggested that if the Act in itself is insufficient to meet the cases of improper use of the boiler it could be supplemented by the forces of the Indian Penal Code. The legal advisers to Government, however, thought that the Act should be self-contained and quite independent of the Indian Penal Code. The old penalty section has therefore been redrafted and a new section, 14A, added. The additions that will be made to the forms of licence set forth in the first and third schedules of the Act make these schedules very plain and definite. The additions are merely what is laid down in section 10 as amended. I have nothing further to say in explanation of the bill and I therefore beg to move that the bill to amend the United Provinces Steam Boilers and Prime Movers Act, 1899, be introduced."

THE BUDGET, 1913-14

[M. P.m.]

The motion was put and agreed to

The Hon'ble Mr. Wood, then introduced the Bill and moved that it should be referred to a Select Committee composed of the following honourable members:— Mr. Ashworth, Mr. Leonard, Rai Nathi Mal Bahadur, Mr. Mackinnon, Munshi Asghar Ali Khan, Khan Bahadur, and the mover.

The motion was put and agreed to.

THE BUDGET, 1913-14

The Hon'ble Mr. Pim presented the Budget of the United Provinces of Agra and Oudh for 1913-14. He said:—

'At the last meeting of Council our business was to discuss the intermediate stage of the Budget, which is called the Revised Financial Statement, with the object of affording the Council an opportunity of making the best possible use of the increased resources placed at our disposal. I have now to present the Budget in its final form, and, as required under the rules of procedure, to describe any changes which have been made in the figures of the Revised Financial Statement, and to explain why any resolutions passed in Council have not been accepted. My task is in both these respects an easy one. There are no changes to describe except those which I mentioned in my opening speech at the last meeting of Council, and there are no resolutions which have not been accepted. The resolutions then moved were not put to the vote and may be taken as demonstrations in force in favour of objects which the Government was as anxious to further as the honourable members themselves. The Financial Statement, copies of which are before the members, gives the detailed orders which have been received from the Government of India with reference to the distribution of the grants made by them, and the only further piece of information which I may add is that out of the 3 lakhs non-recurring set apart for girls' schools, technical and special schools, His Honour has directed that Rs. 75,000 shall be ear-marked for expenditure in the current year on girls' schools. I do not propose to deal at any length with the Budget statement itself. But it may be of some use if I very briefly sum up its main features. The revenue anticipated amounts to 632½ lakhs and the expenditure to 671½ lakhs. Those figures are, however, complicated by the inclusion of the large grants which have been received from the Government of India, and from the point of view of provincial finances it is advisable to take the figures given in paragraph 7 of the Financial Statement, which show an income of 610½ lakhs with an expenditure of 621½ lakhs and a closing balance of 76½ lakhs. Our present balances are therefore very substantial, and I have in the Financial Statement attempted to give a rough estimate of the prospects of the immediate future. I need not repeat what I have said there, but the general conclusion is that we are much better off than was expected, though we must still administer our finances with caution and economy. I have not ventured to indulge in any prophecies beyond the immediate future. An examination of the old records does not encourage prophecies with reference to financial matters. I have come across a good many prophecies of one kind or another, but do not remember one which dealt with a time beyond the immediate future and has turned out right. Fortunately the error has been almost invariably on the side of provincial advantage.'

'The membership of the financial committee has been changed to some extent during the year, and I have good reason to be grateful to the members of both committees for the assistance given by them at the meetings held in September and January. All the proposals made by the committee have been accepted—a clear proof of the appreciation by the Government of the services of those members of the Council who assisted at its deliberations. They are, I dare say, nearly as glad as I

am that we have now reached the final stage of the budget year, and there is no doubt that when they meet again next September, they will find new demands quite sufficient to tax their renewed energies."

The Council was then adjourned until Monday the 14th April, to assemble at 10.30 instead of 11 A. M.

LUCKNOW

The 9th April, 1913. }

W. K. PORTER,
Secretary, Legislative Council,
United Provinces.

Financial Statement of the United Provinces of Agra and Oudh for 1913-14.

1 The following note gives a general view of the financial position as accepted by the Government of India for the final edition of the budget for 1913-14. Members will find further details given in the appendix

REVISED ESTIMATES OF 1912-13

2. The revised estimates for 1912-13 affect the budget estimates of 1913-14 because they determine the opening balance for that year

The original budget provided for an income of 5,94,00, an expenditure of 6,13,84 and a closing balance of 72,17. A net assignment of 9,19 from Imperial to Provincial was assumed. The revised forecast anticipates an income of 7,02,21, including assignments of 96,89 from Imperial to Provincial, an expenditure of 6,20,93 and a closing balance of 1,69,63.

3 *Income.*—On the income side the most important changes are those in Imperial assignments recently announced by the Government of India. The changes under this head—which as Members know is included under the major head of Land Revenue—aggregate 87,70. Details with reference to a net addition of 5,95 will be found in the appendix. The balance of 81,75 includes the large non-recurring assignments of 27,50 for sanitation and 42,25 for education. It also includes 12,00 non-recurring, which is not earmarked for any special purpose but is in aid of general provincial resources. The assignment of 27,50 is primarily for expenditure on urban sanitation, but the Government of India have no objection to a portion being spent on rural sanitation provided that they are satisfied in the first instance that practical schemes for this purpose are forthcoming. It includes 50, for improving the vaccine dépôt at Patwa Dangar. The non-recurring grant of 42,25 is distributed as follows —

| | Rs |
|--|-----------|
| University | 2,00,000 |
| Hostels | 8,25,000 |
| Colleges and secondary schools and training institutions | 4,50,000 |
| Elementary schools | 15,00,000 |
| Educational hygiene, gymnasia, &c | 9,00,000 |
| Manual instruction | 1,00,000 |
| Girls' schools, technical and special schools | 3,00,000 |
| European education | 5,60,000 |

Apart from the liberal assistance thus rendered by the Government of India, there is an improvement of 20,51 in provincial income under the ordinary heads. The last *rabi* harvest was a good one, and although the late arrival of the rains and their early cessation raised fears at one period of a widespread scarcity, a most unusual fall of rain in November saved the situation except in some of the eastern districts and the year has been on the whole one of agricultural prosperity. While, therefore, the provincial share of land revenue receipts is 84 lower owing to suspensions and postponements in the eastern districts, the other heads of revenue which are directly responsive to agricultural prosperity show increases of 1,50 under Stamps, partly due to the large number of extra courts now sitting, and 6,00 under Excise. Forests, which are connected more immediately with the conditions of trade and general commercial activity, show an increase of 5,55, but part of this is due to special sales of trees killed by the drought of 1908 and to the new scheme of working of the Kumaun forests. Irrigation—Major works—Public Works department, is better by 3,83 owing to the irrigation of large areas for the *rabi* sowings, but this does not represent an increase to provincial resources as the net income from major works is still below the 55½ lakhs guaranteed by the Government of India. Interest is better by 1,80 owing to higher outstandings brought forward from 1911-12 and to additional advances in certain districts for *bachcha* wells and seed in order to secure the *rabi* sowings.

4. *Expenditure.*—The opening balance is now put at 88,35 as compared with the previous estimate of 91,51. The expenditure estimated in the budget was 6,13,84.

It is now put at 6,20,93 or 7,59 higher. As, however, the Government of India have sanctioned large additional grants for education and for the construction of tank irrigation works in Bundelkhand, no increase over the original allotments is indicated.

Considerable savings have in fact accrued on the sanctioned grants, so making funds available for new objects of expenditure, because our expenditure in any year is limited only by the total of the original budget provision plus any additional grants subsequently made by the Government of India. Under Police 1,80 out of the total allotment of 3,60 for reforms has lapsed owing chiefly to the unavoidable delay which has occurred in relieving Act XX towns and notified areas of their police charges.

Under Land Revenue a net saving of 92 is expected, chiefly owing to the fact that the allotments aggregating 1,21 provided in connection with the revision of the deputy collectors' cadre will not be used in full owing to the late receipt of sanction. Other decreases of 30 under Police and of 35 under Scientific are explained in the appendix, as is also an increase of 1,21 under Forests. Under Education the revised is 4,95 higher than the budget. The additional grants sanctioned by the Government of India of 3,45 for the Allahabad University, of 60 for secondary English schools and of 1,75 for hostels are being expended in full both under this head and under that of civil works to which transfers aggregating 1,39 have been made, while 98 out of the balance of 2,50 of the recurring grant of 7,00 received from the Government of India is also being spent within the year. An expenditure of 3,80 has also been sanctioned by the Government of India during the year 1912-13 for improvement in the accommodation of aided schools. Of this sum 1,80 is being met by transfer from previous allotments and 2,00 from the part of the Government of India's grant of 15,91 remaining in the Provincial balance. The extra expenditure on this account is partly counterbalanced by savings on the ordinary grants estimated at 2,44 as explained in the appendix. Under Jails there is a saving of 64, chiefly in salaries and dietary charges, and under Medical it is anticipated that expenditure from the plague allotment will be 1,00 lower than the original budget provision, while a new provision of 26 has been made to cover the cost in the year 1912-13 of the newly created service of municipal health officers. An apparent increase of 95 under Irrigation—Minor works and Navigation—Public Works department, is accounted for by expenditure against the Government of India's special grant for tank works in Bundelkhand, and that of 1,68 under Civil works—Civil head—by additional grants to district and municipal boards. Under the departmental head there is a net increase of 1,66, large lapses—more especially from the allotments for the Medical College and High Court—being more than counterbalanced by expenditure on other projects and by transfers from the budgets of other departments. The only real excess of importance is one of 80 under Superannuation Allowances and Pensions based on the progress of actuals. The growth of expenditure under this head has been very rapid of recent years. For 1913-14 a further increase of 1,00 is budgeted for, and if the expenditure continues to expand at this rate the drain on provincial resources will be heavy. This matter is being separately inquired into.

The net savings so accruing have been applied to meet a number of urgent demands of a non-recurring character, the most important of which are the following:—Rupees 30,000 has been given towards a sugar factory in Pilibhit, Rs. 18,000 as a grant to the Canning College and Rs. 21,028 as compensation on account of the land taken up for the Aligarh seed farm. Rupees 6,150 has been paid for the land required for the settlement of Haburahs and Bhatas in Moradabad, Rs. 20,760 for survey equipment for the Thomason College, Roorkee, Rs. 9,000 for plant required by the industrial school at Gorakhpur, Rs. 27,478 in grants to district boards for various purposes, Rs. 10,000 to Cawnpore municipality in aid of their King Edward VII Memorial fund, Rs. 18,289 to meet the cost of 549 revolvers supplied to the

Inspector General of Police, Rs. 20,000 for various educational projects, Rs. 59,610 on account of additional grants in the Kumaun and Western circle Forest budgets, Rs. 20,000 additional grant in the Legal Remembrancer's budget to cover fees of counsel employed in important criminal cases, Rs. 20,000 for the Agra city park, Rs. 10,000 for the construction of buildings at the Benares weaving school and Rs. 5,000 as a further grant to the Saraswati-Bhawan library at Benares

Rupees 89,000 has also been paid to the Lucknow municipal board for the completion of the civil lines extension scheme, Rs. 12,500 to the Girls' High School at Allahabad to repay outstanding debts, Rs. 4,500 to the Naini leper asylum, Rs. 6,650 in the Government Press budget, chiefly for the purchase of raw material and freight on stationery, &c., Rs. 10,000 for the purchase of a steam-toller for the Mirzapur stone mahal, Rs. 6,000 in the Exchequer budget on account of extra expenditure incurred under the head "Travelling allowance of officers" and Rs. 36,000 for a number of petty items.

BUDGET, 1913-14

5 *Income*.—The budget estimates for the year 1913-14 are based on the assumption of a continuance of normal prosperity, more especially for agriculture, on which mainly depend our most important heads of receipt. Normal increases are therefore assumed under all the major heads, allowance being made under Exchequer for the proposed raising of the rate of duty in a number of districts and under Forests for the fact that the sale of dead trees has now been completed.

The estimate under Irrigation—Major works—Public Works department, is based on the actual areas irrigated during the present *rabi* season and on normal areas for the *kharij*. The only important decline is that of 2,90 under Land Revenue due to smaller collections from partition fees and from suspended revenue partly counterbalanced by larger estimated collections under current demand and ordinary arrears.

The new assignments made by the Government of India have, however, materially affected our prospects for the better. In addition to those previously allowed for and which are given in detail in the appendix the Government of India have sanctioned assignments of 48 as a contribution to the new sanitary services, 60 non-recurring for the improvement of agriculture and allied objects, 1,00 non-recurring for medical relief, 6,38 recurring for education, 6,00 recurring for sanitation and of 29,53 recurring for the purpose of freeing local rates from the charges for village police and so making them available for local purposes. As a consequence of this the estimated income from provincial rates is reduced by 22,08. The net result of these changes is to give a total provincial income of 6,32,76 including a net assignment in favour of Provincial of 47,81.

6 *Expenditure*.—The opening balance having been taken at 1,69,63 the total sum available for the year 1913-14 is then 7,82,39 after deducting the compulsory minimum balance of 20,00. The expenditure finally approved by the Government of India is 6,71,24 or 57,90 more than the sanctioned budget of the year 1912-13 and results in a closing balance of 1,31,15.

The variations between the budgets for 1912-13 and 1913-14 are given in considerable detail in appendix II. The most important are as follows.—Increases of 6,98 under Land Revenue, of 3,00 under Forests, of 1,71 under Courts of Law, of 11,93 under Police, of 24,62 under Education, of 1,80 under Superannuation Allowances and Pensions, of 10,44 under Medical, of 45 under Scientific and other minor departments and of 1,64 under Irrigation—Interest on debt—with decreases of 81 on Irrigation—Minor works and Navigation, of 3,56 under Civil works in charge of civil officers and of 90 under Civil works—Public Works department. The increase under Land Revenue is due to higher settlement charges (+ 74) and to a lump provision of 6,25 to give effect to the recommendations of Mr Pike's committee, that under Forests to the working out of the scheme for the development of the Kumaun forests, to an additional payment

of 61 to the Raja of Tehri on account of leased forests and to a provision of 50 for the afforestation of waste lands including 30 for *babul* plantations in the Hamirpur district. The increase under Courts of Law is due to the replacement of the lump allotments of 84 and 89 for extra courts in Agra and Oudh provided in the budget for 1912-13 by a lump provision of 3,60 for the introduction of the greater part of the Greeven scheme for the revision of judicial establishments which has received the sanction of His Majesty's Secretary of State. Under Police the increase of 11,98 is mainly owing to an addition of 11,02 made by the Government of India in connection with the remission of the appropriations from cesses. This does not therefore represent an increase of provincial expenditure but only a transfer to Provincial of expenditure on village police previously met from local rates. The budget includes, however, an item of 1,15 in connection with the proposals for the more effective registration and control of criminal tribes.

Under Education the budget for 1912-13 included provision for the expenditure of 4,50 only out of the Government of India's special recurring grant of 7,00. The budget for 1913-14 includes provision for the expenditure of the full 7 lakhs provided for that year, for 10 out of the grant of 4,50 referred to above and for 1,52 out of the balance of 2,50 held over from the year 1912-13, as also for the expenditure of the further grants of 45, 20, 60, and 1,75. It also includes 6,38 recurring and 14,12 non-recurring on account of further additional grants for education made by the Government of India. The latter sum represents approximately one-third of the non-recurring grant of 42,25 the distribution of which is given in paragraph 3 *supra*. The grant of 6,38 is allotted as follows:—

| | | | | Rs |
|------------------------------------|-----|-----|-----|----------|
| Primary education | ... | .. | .. | 3,08,000 |
| Girls' education | | | | 70,000 |
| Colleges and training institutions | | | | 45,000 |
| Secondary education | | | | 95,000 |
| Technical and special education | ... | ... | ... | 34,000 |
| European education | | .. | ... | 80,000 |
| Manual training | | | | 11,000 |

As regards both the recurring and non-recurring grants for education, the Government of India have observed that they do not desire to tie down the Local Government too rigorously to particular heads provided there is a general conformity to policy, and they will consider favourably applications for transfer of funds from one educational head to another subject to this general provision.

A sum of 98 out of the 2,50 alluded to above has already, with the permission of the Government of India, been utilized in non-recurring grants for the building and equipment of 50 additional training classes for primary schools. The total increase of 27,52 due to the above additions is, however, counterbalanced to the extent of 4,59 by the omission from the estimates for 1913-14 of the non-recurring provision included in the budget for 1912-13 out of the unallotted balance of the special non-recurring grant of 15,91 for education received from the Government of India in 1911-12. Out of the non-recurring provision of 4,59 referred to above lapses aggregating 49 have been reported, and as it was too late to provide this sum in the new budget the amount has been allowed to merge into the Provincial balances with the sanction of the Government of India. Permission will, however, be obtained to allow this Government to withdraw the money from the balances during the course of the year. Other variations under this head are detailed in the appendix, the most important being an increase of 1,11 under grants-in-aid.

The increase under Superannuation Allowances and Pensions and Irrigation—Interest on debt—are based respectively on the figures reported by the Accountant General and as finally passed by the Government of India. The rise in pension charges has already been commented on, that under interest charges is of almost equal importance and the progress of actuals under these heads will be watched with anxiety. Under Medical the special non-recurring grants aggregating

recent increase in income is to be maintained. The present superior staff of the Public Works department, Buildings and Roads branch, is also inadequate to the ordinary work of the department quite apart from the extensive demands which will now be made upon it in connection with sanitary engineering work and additions to the cadre are necessary involving an increased cost to Provincial of at least 1,00. Finally, the expenditure accepted as non-recurring in the budget includes 2,61 on settlements while on account of the large number of settlements in prospect an expenditure of at least this amount will be necessary over a considerable period. The available margin of recurring expenditure is therefore reduced to 63, and the uncertain and fluctuating character of the income from the three heads which have mainly contributed to the increase—Stamps, Excise and Forests—makes it inadvisable to count on a further steady increase in excess of the amount required to cover unavoidable increases in expenditure. This more especially as there are few grants whether recurring or non-recurring which will not ultimately involve recurring additions to provincial expenditure. Desirable increases of expenditure not included in the budget are many and various, such will occur to all members, and I need only name a few which have been brought forward prominently as for instance increases to the pay of the land records staff and the additional expenditure on facilities for civil courts which have been proposed by the High Court.

While therefore the provincial income has shown a most welcome and unexpected degree of elasticity it is at the same time obvious that great care still continues to be necessary in controlling the finances of the province.

The 9th April 1913.

A. W. PIM.

APPENDIX I.

ACCOUNTS AND ESTIMATES.

| | | | | | |
|------------------------------|-----|-----|-----|-----|---------|
| Accounts | ... | ... | ... | ... | 1911-12 |
| Budget and Revised Estimates | | | | .. | 1912-13 |
| Budget Estimates | .. | | ... | ... | 1913-14 |

Statement of the accounts and estimates of the United Provinces of Agra and Oudh.

REVENUE.

[In rupees, omitting 000's, except in accounts.]

| Heads of revenue | Accounts, 1911-12 | | | Budget estimates, 1912-13 | | | Revised estimates, 1912-13. | | | Budget estimates, 1913-14 | | |
|--|-------------------|-------------|-------------|---------------------------|------------|---------|-----------------------------|------------|---------|---------------------------|------------|---------|
| | Imperial | Provincial | Total | Imperial | Provincial | Total | Imperial | Provincial | Total | Imperial | Provincial | Total |
| | Rs | Rs | Rs | Rs | Rs | Rs | Rs | Rs | Rs | Rs | Rs | Rs |
| Principal heads of revenue— | | | | | | | | | | | | |
| I—Land revenue | 3,89,40,277 | 2,54,59,486 | 6,43,99,763 | 3,95,59 | 2,58,33 | 6,53,92 | 3,93,52 | 2,57,49 | 6,51,01 | 3,90,59 | 2,55,43 | 6,46,02 |
| Adjustments | —1,00,107 | +11,00,107 | | —9,19 | +9,19 | | —96,89 | +96,89 | | —47,81 | +47,81 | |
| II—Opium | 5,44,998 | | 5,44,998 | 5,40 | ... | 5,40 | 5,70 | ... | 5,70 | 5,70 | ... | 5,70 |
| IV—Stamps | 54,95,117 | 54,95,118 | 1,09,90,235 | 56,00 | 56,00 | 1,12,00 | 57,50 | 57,50 | 1,12,00 | 58,75 | 58,75 | 1,17,50 |
| V—Excise | 27,82,947 | 83,48,840 | 1,11,31,787 | 28,75 | 86,25 | 1,15,00 | 30,75 | 92,25 | 1,23,00 | 31,75 | 95,25 | 1,27,00 |
| VI—Provincial rates | | 23,74,149 | 23,74,149 | ... | 23,65 | 23,65 | ... | 23,60 | 23,60 | ... | 1,57 | 1,57 |
| VII—Customs | 1,61,371 | | 1,61,371 | 1,55 | ... | 1,55 | 1,70 | ... | 1,70 | 1,70 | ... | 1,70 |
| VIII—Assessed taxes | 12,08,686 | 12,06,981 | 24,15,667 | 12,49 | 12,49 | 24,92 | 12,62 | 12,59 | 24,92 | 12,84 | 12,84 | 25,71 |
| IX—Forest | ... | 30,16,160 | 30,16,160 | ... | 26,45 | 26,45 | ... | 32,00 | 32,00 | ... | 30,25 | 30,25 |
| X—Registration | ... | 5,94,858 | 5,94,858 | ... | 6,00 | 6,00 | ... | 6,36 | 6,36 | ... | 6,40 | 6,40 |
| XI—Tributes | 3,13,223 | ... | 3,13,223 | 3,21 | ... | 3,21 | 3,29 | ... | 3,29 | 3,21 | ... | 3,21 |
| Total | 4,82,86,512 | 4,76,55,999 | 9,59,42,511 | 4,89,84 | 4,78,36 | 9,72,20 | 4,08,19 | 5,78,68 | 9,86,87 | 4,56,76 | 5,08,30 | 9,65,06 |
| Interest— | | 18,58,202 | 18,58,202 | | 11,92 | 11,92 | | 13,72 | 13,72 | | 11,72 | 11,72 |
| XII—Interest | ... | | | | | | | | | | | |
| Receipts by Civil departments— | | | | | | | | | | | | |
| XVIIA—Law and justice—courts of law | ... | 6,48,725 | 6,48,725 | ... | 6,84 | 6,84 | ... | 6,83 | 6,83 | ... | 6,69 | 6,69 |
| XVII B—Law and justice—jails | ... | 3,02,682 | 3,02,682 | ... | 3,50 | 3,50 | ... | 3,50 | 3,50 | ... | 3,55 | 3,55 |
| XVII C—Police | ... | 91,032 | 91,032 | ... | 1,01 | 1,01 | ... | 93 | 93 | ... | 81 | 81 |
| XIX—Education | ... | 4,85,072 | 4,85,072 | ... | 5,12 | 5,12 | ... | 5,02 | 5,02 | ... | 5,47 | 5,47 |
| XX—Medical | ... | 54,592 | 54,592 | ... | 52 | 52 | ... | 68 | 68 | ... | 1,00 | 1,00 |
| XXI—Scientific and other minor departments | ... | 1,69,722 | 1,69,722 | ... | 1,49 | 1,49 | ... | 1,30 | 1,30 | ... | 1,63 | 1,63 |
| Total | | 13,11,025 | 13,11,025 | | 17,98 | 17,98 | | 18,46 | 18,46 | | 19,15 | 19,15 |

| Miscellaneous— | | | | | | | | | | | | |
|---|-------------|-------------|--------------|---------|---------|----------|---------|---------|----------|---------|---------|----------|
| XXII — Receipts in aid of superannuation, &c | 1,67,757 | 86,002 | 2,53,759 | 1,69 | 92 | 2,61 | 1,70 | 70 | 2,40 | 1,73 | 86 | 2,59 |
| XXIII — Stationery and printing | 72,915 | 1,48,212 | 2,21,127 | 66 | 1,47 | 2,13 | 75 | 1,42 | 2,17 | 73 | 1,46 | 2,19 |
| XXV — Miscellaneous | 37,578 | 4,00,619 | 4,38,227 | 22 | 2,75 | 2,97 | 23 | 3,25 | 3,48 | 21 | 2,95 | 3,16 |
| Total | 2,78,280 | 6,34,863 | 9,13,143 | 2,57 | 5,14 | 7,71 | 2,68 | 5,37 | 8,05 | 2,67 | 5,27 | 7,94 |
| Irrigation — | | | | | | | | | | | | |
| XXIX — Major works (direct receipts)—civil head | | 1,61,869 | 1,61,869 | . | 1,60 | 1,60 | | 1,62 | 1,62 | | 1,64 | 1,64 |
| XXIX — Major works (direct receipts)—departmental head | 3,18,702 | 80,98,363 | 84,12,065 | 2,62 | 74,07 | 76,69 | 2,35 | 77,30 | 80,25 | 3,00 | 80,77 | 83,77 |
| XXIX — Portion of land revenue due to Irrigation—civil head | 16,96,429 | | 16,96,429 | 16,73 | | 16,73 | 16,96 | | 16,96 | 16,96 | | 16,96 |
| XXX — Minor works and navigation—civil head | | 4,057 | 4,057 | | 5 | 5 | | 4 | 4 | | 3 | 3 |
| XXX — Minor works and navigation—departmental head | 18,101 | 1,46,784 | 1,64,885 | (a)25 | 1,41 | (a)1,66 | (a)20 | 1,60 | (a)1,80 | | 1,39 | 1,89 |
| Total | 20,28,292 | 84,11,073 | 1,04,89,905 | 19,60 | 77,03 | 96,63 | 19,51 | 81,16 | 1,00,67 | 19,96 | 83,33 | 1,03,79 |
| Other public works— | | | | | | | | | | | | |
| XXXI — Civil works—civil head | | 86,409 | 86,409 | | 1,05 | 1,05 | . | 1,30 | 1,30 | | 1,29 | 1,29 |
| XXI — Civil works—departmental head | 34,420 | 3,40,637 | 3,75,057 | (a)34 | 2,52 | (a)2,86 | (a)33 | 3,52 | (a)3,85 | 14 | 3,20 | 3,64 |
| Total | 34,420 | 4,27,046 | 4,61,466 | 34 | 3,57 | 3,91 | 33 | 4,82 | 5,16 | 14 | 4,49 | 4,93 |
| Total Revenue | | | | | | | | | | | | |
| | 5,06,27,444 | 6,02,98,608 | 11,09,25,952 | 5,16,35 | 5,94,00 | 11,10,35 | 4,30,71 | 7,02,21 | 11,32,92 | 4,79,53 | 6,32,76 | 11,12,29 |
| Opening balance | | 86,90,485 | " | | 91,51 | . | .. | 88,95 | | | 1,69,63 | . |
| GRADED TOTAL | | 6,89,88,993 | .. | .. | 6,85,51 | .. | .. | 7,90,56 | | .. | 8,02,39 | . |

(a) Includes receipts of Rajputana.

Statement of the accounts and estimates of the United Provinces of Agra and Oudh.

EXPENDITURE

[In rupees, omitting 000's, except in accounts.]

| | Accounts, 1911-19 | | | Budget estimate, 1912-13 | | | Revised estimate, 1912-13 | | | Budget estimate, 1913-14 | | |
|--|-------------------|-------------|-------------|--------------------------|------------|---------|---------------------------|------------|---------|--------------------------|------------|---------|
| | Imperial | Provincial | Total | Imperial | Provincial | Total | Imperial | Provincial | Total | Imperial | Provincial | Total |
| Heads of expenditure. | | | | | | | | | | | | |
| Direct demands on the revenue— | | | | | | | | | | | | |
| 1—Refunds and drawbacks | 82,565 | 1,10,916 | 1,93,481 | 90 | 1,15 | 2,05 | 90 | 1,13 | 2,03 | 91 | 1,20 | 2,11 |
| 2—Assignments and compensations | 1,96,913 | 1,07,285 | 3,04,198 | 247 | 1,31 | 3,38 | 2,09 | 1,14 | 3,23 | 2,09 | 1,14 | 3,23 |
| Charges in respect of collections— | | | | | | | | | | | | |
| 3—Land revenue | | 86,42,061 | 86,42,061 | | 88,60 | 88,60 | | 87,63 | 88,63 | | 95,58 | 95,58 |
| 4—Opium | | 1,08,46,020 | 1,08,46,020 | | 1,00,19 | 1,00,19 | | 89,50 | 89,50 | | 1,69,52 | 1,69,52 |
| 5—Stamps | | 1,37,233 | 2,74,466 | | 1,36 | 2,73 | | 1,43 | 2,86 | | 1,46 | 2,91 |
| 6—Excise | | 98,101 | 3,92,408 | | 1,00 | 4,01 | | 1,02 | 4,08 | | 3,15 | 4,20 |
| 10—Assessed taxes | | 135 | 271 | | | | | | | | | |
| 11—Forest | | 13,63,672 | 13,63,672 | | 15,65 | 15,65 | | 16,36 | 16,36 | | 18,65 | 18,65 |
| 12—Registration | | 2,93,213 | 2,93,213 | | 2,91 | 2,91 | | 2,84 | 2,84 | | 2,88 | 2,88 |
| Total | 1,13,60,967 | 1,09,48,818 | 2,23,09,785 | 1,05,62 | 1,13,30 | 2,19,52 | 94,94 | 1,14,14 | 2,09,08 | 1,75,02 | 1,24,00 | 2,99,08 |
| Interest— | | | | | | | | | | | | |
| 13—Interest on ordinary debt (excluding that charged to railways and irrigation works) | | 914,011 | 914,011 | | 9,09 | 9,09 | | 9,32 | 9,32 | | 9,26 | 9,26 |
| 14—Interest on other obligations | 7,86,151 | | 7,86,151 | 8,53 | | 8,53 | 8,36 | | 8,36 | 8,45 | | 8,45 |
| Total | 7,86,151 | 914,011 | 17,00,162 | 8,53 | 9,09 | 17,67 | 8,36 | 9,32 | 17,68 | 8,45 | 9,26 | 17,71 |
| Salaries and expenses of civil departments— | | | | | | | | | | | | |
| 18—General administration | 4,32,667 | 19,65,238 | 23,95,895 | | 17,16 | 21,61 | | 17,10 | 21,16 | | 16,90 | 20,92 |
| 19A—Law and justice—Courts of law | | 62,23,925 | 62,23,925 | 4,45 | 61,27 | 61,27 | 4,06 | 61,59 | 61,59 | 4,02 | 62,98 | 62,98 |
| 19B—Law and justice—Jails | | 15,09,551 | 15,09,551 | | 19,44 | 19,44 | | 18,80 | 18,80 | | 19,52 | 19,52 |
| 20—Police | | 1,10,43,737 | 1,10,43,737 | | 1,12,17 | 1,12,17 | | 1,09,69 | 1,09,69 | | 1,24,10 | 1,24,10 |
| 22—Education | | 48,36,149 | 48,36,149 | | 52,13 | 52,13 | | 57,08 | 57,08 | | 76,75 | 76,75 |
| 23—Ecclesiastical | 2,53,005 | 2,53,005 | 2,53,005 | 2,62 | 30,79 | 30,79 | 2,75 | 30,00 | 2,75 | 2,70 | | 2,70 |
| 24—Medical | | 30,03,978 | 30,03,978 | | 3,09 | 3,09 | | 5 | 3,09 | | 41,23 | 41,23 |
| 25—Political | 93,556 | 93,556 | 93,556 | 1,05 | 13,15 | 13,15 | 1,03 | 13,80 | 1,03 | 1,04 | 10 | 1,14 |
| 26—Scientific and other minor departments | 2,26,945 | 11,51,320 | 13,77,265 | 20 | | | 33 | | | 21 | 13,60 | 13,81 |
| Total | 10,05,233 | 3,00,36,461 | 3,10,41,694 | 8,52 | 3,08,15 | 3,14,47 | 8,17 | 3,07,11 | 3,15,28 | 7,97 | 3,55,13 | 3,65,15 |

| | | | | | | | | | | | |
|---|-------------|-------------|-------------|---------|---------|---------|---------|---------|---------|---------|---------|
| Miscellaneous Civil charges— | | | | | | | | | | | |
| 27—Territorial and political pensions | 7,99,263 | ... | 7,99,263 | 1 | 7,88 | ... | 7,88 | 1 | 7,80 | 8,05 | 8,05 |
| 28—Civil, furlough and absentee allowances | 2,845 | 30,37,146 | 2,845 | 28 | 31,06 | 30,80 | 31,06 | 26 | 31,60 | 32,80 | 32,80 |
| 29—Superannuation allowances and pensions | 24,900 | 8,24,460 | 24,900 | 26 | 8,54 | 8,54 | 8,54 | 26 | 8,44 | 8,65 | 8,65 |
| 30—Stationery and printing | 84,816 | 2,61,451 | 84,816 | 90 | 2,87 | 1,47 | 2,87 | 90 | 1,64 | 1,85 | 1,85 |
| 32—Miscellaneous | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total | 9,11,523 | 41,15,067 | 50,24,880 | 9,05 | 49,86 | 40,81 | 49,86 | 9,06 | 41,68 | 50,74 | 52,32 |
| Famine relief and insurance— | | | | | | | | | | | |
| 33—Famine relief—civil head | 1,600 | 1,600 | 1,600 | ... | ... | ... | ... | ... | ... | ... | ... |
| 35—Construction of protective irrigation works | 1,508 | 9,74,535 | 14,808 | ... | ... | ... | ... | ... | ... | ... | ... |
| 36—Reduction or avoidance of debt | 9,74,535 | 4,50,000 | 9,74,535 | ... | ... | ... | ... | ... | ... | ... | ... |
| Total | 9,90,938 | 4,50,000 | 14,40,938 | 13,16 | 17,66 | 4,50 | 17,66 | 13,42 | 4,50 | 15,67 | 17,92 |
| Railways— | | | | | | | | | | | |
| 40—Subsidized companies' land, &c | ... | 403 | 403 | ... | ... | 13 | 13 | ... | 9 | 9 | 2 |
| Total | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Irrigation— | | | | | | | | | | | |
| 42—Major works (working expenses)—civil head | 17,415 | 30,99,979 | 17,415 | 4,26 | 34,28 | 18 | 34,28 | ... | 18 | 29,99 | 18 |
| 43—Major works (working expenses)—departmental head | 3,73,614 | 30,99,979 | 34,67,593 | ... | ... | 30,00 | 34,28 | 3,78 | 29,82 | 33,60 | 34,19 |
| 45—Major works—Interest on debt—civil head | 5,48,937 | 30,36,895 | 35,84,832 | 5,84 | 36,32 | 30,48 | 36,32 | 6,01 | 31,70 | 37,71 | 38,51 |
| 46—Minor works and navigation—civil head | 307 | 307 | 307 | ... | ... | 3,39 | 3,49 | ... | 4,34 | 4,62 | 2,68 |
| 47—Minor works and navigation—departmental head | 68,980 | 4,22,125 | 4,91,105 | ... | ... | ... | ... | ... | ... | ... | ... |
| Total | 9,91,531 | 65,60,721 | 75,61,252 | 11,22 | 75,27 | 64,05 | 75,27 | 10,74 | 66,04 | 76,73 | 76,76 |
| Other Public works— | | | | | | | | | | | |
| 45—Civil works—civil head | 12,43,505 | 12,43,505 | 12,43,505 | ... | ... | 8,53 | 8,53 | ... | 10,21 | 10,21 | 4,97 |
| 46—Civil works—departmental head | 6,75,664 | 55,78,292 | 65,53,956 | ... | ... | 66,18 | 74,90 | ... | 67,84 | 76,88 | 66,28 |
| Total | 6,75,664 | 71,21,797 | 77,97,461 | 8,72 | 83,43 | 74,71 | 83,43 | 8,54 | 75,05 | 86,69 | 75,35 |
| Total, Expenditure | 1,67,22,307 | 6,01,54,368 | 7,65,76,575 | 1,64,67 | 7,78,01 | 6,13,34 | 7,78,01 | 1,50,98 | 6,20,93 | 7,71,91 | 9,01,31 |
| Closing balance | ... | 88,34,725 | 88,34,725 | ... | ... | 72,17 | ... | ... | 1,69,65 | 1,31,15 | ... |
| GRAND TOTAL | ... | 6,89,88,993 | 6,89,88,993 | ... | ... | 6,85,51 | ... | ... | 7,90,56 | 8,02,39 | ... |
| Provincial— | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Surplus (+) | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Deficit (—) | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |

(a) Includes expenditure of Ramputana.

APPENDIX II *

[Explanation of the estimates under the more important heads of revenue and expenditure]

RECEIPTS.

1 *Land Revenue*—The income under this head includes both the shared

| | |
|---------|---------|
| 1911-12 | 2,66,19 |
| 1912-13 | 3,54,38 |
| 1913-14 | 3,03,24 |

and unshared revenue credited to Provincial. The figures in the margin include also the net assignments from Provincial to Imperial revenues. The ordinary land revenue of the province, revenue record room receipts, malikana revenue and several smaller items are shared between the Imperial and Provincial Governments in the proportion of five-eighths and three-eighths respectively, the rest, comprising chiefly the revenue derived from the Kumaun government estates and the Mirzapur Stone Mahal, is credited wholly to Provincial. As regards shared income, it is expected that land revenue collections in the year 1912-13 will be 2,75 (Provincial share 1,03) below the original budget as a result chiefly of the suspensions and postponements necessitated in the eastern districts of the province by the indifferent monsoon. The progress of actuals also indicates a fall of 15 (Provincial share 5) in Miscellaneous shared revenue. Unshared revenue is expected to be 24 above the original budget, the progress of actuals indicating an improvement of 60 in the receipts from the Tarai and Bhabar government estates. On the other hand, a decrease of 36 is expected under Miscellaneous unshared revenue, chiefly under the head of partition fees.

The original budget allowed for a net assignment from Imperial to Provincial revenues of 9,19; but the Government of India have since made further assignments of 1,30 (non-recurring) for construction of tank works in Bundelkhand, of 60 (recurring) for the improvement of aided English secondary schools; of 3,50 (non-recurring) for hostels; of 3,45 (45 recurring) in aid of the Allahabad University, of 20 as a further recurring grant for education, of 10 (non-recurring) for expenditure on archaeological works, of 9 (recurring) to meet the pay of two additional Deputy Sanitary Commissioners, and of 7 (4 recurring) for some smaller items. It is estimated that a further assignment of 29 (non-recurring) is required to cover Royal Bonus payments made in the year 1912-13 and a new assignment of 48 has been allowed for to cover the Government of India's contribution towards the cost of the newly created sanitary services. On the other hand, owing to an improvement in Irrigation Major Works revenue, it is expected that the Imperial assignment required to bring the net income under the head up to the guaranteed figure of 55½ lakhs will be 4,13 lower than the original forecast. The effect of these alterations is that the net assignment from Imperial to Provincial revenues is raised by 5,95 to 15,14. In addition the Government of India have made further non-recurring assignments of 27,50 for sanitation, of 42,25 for education and for other purposes of 12,00, thus bringing the total figure for assignments up to 96,89.

The gross collections of land revenue for the year 1913-14 are estimated at 6,46,20. As compared with the original estimates of the year 1912-13 the current demand goes up by 4,25 (Provincial share 1,59), but collections on account of suspensions will be 12,09 (Provincial share 4,53) lower, the net result being a reduction of 2,94 in Provincial income. Under other shared heads there is a net decrease of 13 (Provincial share 5) as compared with the budget for 1912-13, the chief decline being one of 11 under mutation fines based on past actuals. Unshared revenue is, on the whole, 6 lower than in the budget for 1912-13, the principal variations being an increase of 13 in the budget of the Tarai and Bhabar government estates due to improved forest receipts and a decrease of 20 in partition fees which

* Throughout this appendix, where three years are given together, they are the actuals of the year 1911-12, the revised estimate of 1912-13 and the budget forecast of 1913-14. Wherever figures of rupees are quoted without the prefix "Rs" they represent thousands of rupees.

are gradually coming down under the influence of the settlements Imperial assignments are estimated at 47,81 as compared with 9,19 (net) in the budget for 1912-13 Provision has been made for the additional recurring assignments of 20 for education, of 45 for the Allahabad University, of 19 for the pay of the additional Deputy Sanitary Commissioners, of 60 for aided English secondary schools and of 5 for two smaller items A provision of 48 has also been made to cover the Government of India's contribution towards the cost of the newly created services of municipal health officers and sanitary inspectors On the other hand, it is estimated that an assignment of 3,26 only as compared with 10,11 in the year 1912-13 will be required to bring the net revenue under Irrigation Major Works up to the guaranteed figure of 55½ lakhs Apart from these assignments the Government of India have sanctioned non-recurring assignments of 60 and 1,00 for improvement of agriculture and allied objects and medical relief respectively, and recurring assignments of 6,38 for education, of 6,00 for sanitation and of 29,53 in connection with the scheme for the remission of appropriations from cesses for provincial expenditure

2 *Stamps* — The income under this head is shared equally by the Imperial and Provincial Governments The revenue for the year 1912-13

| | |
|---------|-------|
| 1911-12 | 54,95 |
| 1912-13 | 57,50 |
| 1913-14 | 58,75 |

was originally forecasted at 1,12,00, but the progress of actuals indicates that this forecast will be exceeded by at

least 3,00 The estimate for 1913-14 (1,17,50) allows for a further expansion as trade prospects are good and there is no indication at present of any decline in litigation.

3 *Excise* — The Provincial Government receives three-fourths of the income credited under this head The original budget for the year

| | |
|---------|-------|
| 1911-12 | 83,49 |
| 1912-13 | 92,25 |
| 1913-14 | 95,25 |

1912-13 allowed for an income of 1,15,00. It now seems probable that an income of 1,23,00 will be realized The

great bulk of the improvement is under the head of country spirits and is apparently owing to more general prosperity and the greater confidence now evinced by dealers in the contract supply system The forecast for 1913-14 is 1,27,00 It is expected that the revenue will continue to improve as the agricultural outlook is good On the other hand, allowance has been made for a probable contraction due to the proposed enhancement of duty in a number of districts

4. *Provincial rates* — In previous years the receipts under this head in-

| | |
|---------|-------|
| 1911-12 | 23,74 |
| 1912-13 | 28,60 |
| 1913-14 | 1,57 |

cluded the appropriations made from the local rates to cover the cost of village police in the province of Agra, and the proceeds of the rate levied from court of wards

estates under Act X of 1892 With effect from 1913-14 only the latter will be shown as the appropriations for village police in Agra will disappear when the scheme for the remission of appropriations from cesses is brought into force The revised estimate for the year 1912-13 is 5 below the original forecast owing to savings of that amount in rural police charges

The estimate for 1913-14 on account of the court of wards rate is only 2 above the estimate for 1912-13 and does not call for remark

5. *Assessed taxes* — The Provincial Government receives half the income realized under this head The revised estimate for the year

| | |
|---------|-------|
| 1911-12 | 12,07 |
| 1912-13 | 12,59 |
| 1913-14 | 12,84 |

1912-13 based on the progress of actuals, is 16 above the original forecast of 25,02 The income is growing

steadily owing to the expansion of trade and to reassessments, and the forecast for 1913-14 (25,69) allows for a further improvement of 50 as compared with the revised estimate of the year 1912-13

6 *Forests* — The original estimate of the income expected under this head during the year 1912-13 was 26,45 It is now estimated at

| | |
|---------|-------|
| 1911-12 | 30,18 |
| 1912-13 | 32,00 |
| 1913-14 | 30,85 |

32,00, or 5,55 in excess of the original budget, the improvement is attributable to abnormal sales of trees killed

by the drought of 1908, to higher prices generally for timber, to more extensive

resin operations, to a rise in the price of colophony and to larger and more profitable sales of timber in the Kumaun forests under the new scheme of management of those forests

For the year 1913-14 the revenue is estimated at 30,25 or 3,80 above the original budget for the year 1912-13. Of this increase 56 is in the eastern circle, 1,15 in the western circle and the balance of 2,09 in the budget of the Kumaun circle. A cautious figure has been taken for timber generally in view of the possibility of the timber market being glutted by the abnormal sales during 1912-13, and in view of the fact that the extraction of dead timber from the forests will have been practically completed during the past year. But allowance has been made for a further expansion of the turpentine industry in the western and Kumaun circles and for larger supplies of fuel in the former to the troops stationed at Lansdowne and to the Supply and Transport Corps at Ohakrata, as also for further developments in the Kumaun circle under the new scheme of management.

7 *Registration*—The revised estimate for the year 1912-13 is 36 higher than the original forecast of 6,00, the main increase being under the head of fees for the inspection of books and indexes and being due to an order of the High Court directing fees to be charged in certain cases previously exempt from the payment of fees.

The estimate for 1913-14 is 6,40 and is based on the revised estimate for the year 1912-13.

8 *Interest*—The income under this head for the year 1912-13 was estimated at 11,92. It is now put at 13,72 or 1,80 higher. The increase is chiefly due to larger outstandings brought forward from 1911-12 and to the additional advances sanctioned for kachcha wells and seed in certain districts in order to secure the rabi sowings.

For 1913-14 the estimate is 11,72 and is based on the estimates of provincial loans and advances for that year. Allowance is made for a considerable decline as compared with the revised estimate of the year 1912-13 in the receipts from interest on agricultural loans, as it is expected that the outstandings both at the beginning and close of the year will be much lower.

9 *Civil departments*—This head includes receipts from Courts of Law, Jails, Police, Education, Medical and Scientific and other minor departments. The revised estimate for the year 1912-13 is 48 above the original forecast. The bulk of the rise is under Courts of Law, the progress of actuals indicating that the receipts under "general fees, fines and forfeitures" will be 53 higher than was originally anticipated.

The estimate for the year 1913-14 is 19,15 or 1,17 above the original budget for the year 1912-13. There are increases of 35, under Courts of Law due to a higher estimate for receipts from fees, fines and forfeitures based on the revised estimates for the year 1912-13, of 35 under Education due to the enhancement of tuition fees and a probable increase in the number of scholars, of 48 under Medical, chiefly on account of receipts of the new medical college, and to a new provision of 35 on account of municipal contributions towards the cost of the new service of health officers and of 14 under Scientific and other minor departments owing principally to the establishment of new sugar farms at Shahjahanpur and Nawabganj (Bareilly) and of a new seed farm in Cawnpore. On the other hand, there is a decrease of 20 under Police owing chiefly to the omission of an item of 14 on account of receipts for clothing from town funds in view of the contemplated conversion of the police of Act XX towns and notified areas into provincial constabulary with effect from the financial year 1913-14.

10 *Miscellaneous*—This head includes Superannuation, Stationery and Printing and Miscellaneous receipts. It is expected that the income in the year 1912-13 will be 23 higher than the original forecast. The progress of actuals indicates decrease.

of 22 and 5 under Superannuation, and Stationery and Printing receipts respectively. On the other hand, miscellaneous receipts are expected to be 50 higher, the chief increases being 22 under sale of land and houses in view of the contemplated sale of old *wasiga* buildings at Lucknow and 14 under fees for government audit due to larger recoveries from the Nanpara and Ajudhya court of wards estates.

The budget estimate for 1913-14 is 13 higher than the original budget for the year 1912-13, but 10 below the revised estimate for that year. The abnormal item for sale of *wasiga* buildings is omitted, otherwise the estimates for the year 1913-14 follow closely those of the revised budget for the year 1912-13. The variations are small and do not require to be noticed.

11. *Irrigation*.—As the figures on the margin show, the revised estimate for the

| | <i>Actuals,</i> 1911-12 | <i>Budget,</i> 1912-13 | <i>Revised,</i> 1912-13 | <i>Budget,</i> 1913-14 | year 1912-13 is 4,13, higher than the original budget. The main increase, 3,83, is in occupier's rate and is due to the irrigation of larger |
|-------------------------------|----------------------------|---------------------------|----------------------------|---------------------------|---|
| XXIX —Owner's rate | 1,69 | 1,50 | 1,69 | 1,64 | |
| XXX —Occupier's rate | 80,98 | 74,07 | 77,90 | 80,77 | |
| XXX —Minor works—civil | 4 | 5 | 4 | 3 | |
| XXX —Minor works—departmental | 1,47 | 1,41 | 1,80 | 1,39 | |
| Total | 84,11 | 77,08 | 81,16 | 83,83 | |

areas during the last kharif owing to the deficient rainfall in parts of the province. The estimated income for the year 1913-14 is 83,83. It is 2,67 above the revised, and 6,80 higher than the original, estimate of the year 1912-13. The forecast is based on the extent of irrigation required in connection with the present rabi season and on normal areas for the kharif of 1913-14.

12. *Civil Works*.—The progress of actuals indicates that the original estimate

| | | for the year 1912-13 will be exceeded by 1,25. Under the civil head an increased income of 25 is expected chiefly from higher receipts on account of the government share of the surplus profits of the Shahdara-Saharanpur Light Railway. Under the departmental head there is an increase of 1,00, which is apparently due to the original forecast having been pitched too low. The estimate for the year 1913-14 is 4,49 and is based on the revised estimate of the year 1912-13. |
|---------|------|---|
| 1911-12 | 4,27 | |
| 1912-13 | 4,82 | |
| 1913-14 | 4,49 | |

EXPENDITURE.

13. *Land Revenue*.—The revised estimate for the year 1912-13 is 92 below

| | | the original budget. The important variations are decreases of 1,18 and 18 under charges of district administration and management of government estates respectively and increases of 23 and 22 under survey and settlement and land records respectively. The decrease under charges of district administration is mainly due to the lump allotments aggregating 1,21 provided in connection with the revision of the deputy collectors' cadre not having been fully utilized owing to the proposals not having been sanctioned till recently, while that under management of government estates is due to short expenditure under supplies and services, on improvement and on the new forest scheme in the Tarai and Bhabar government estates. Higher expenditure on settlement operations, chiefly in the Fatehpur and Muttra districts, accounts for the increase under survey and settlements. That under land records is due for the most part to arrear payments of Royal Bonus to certain members of the kanungo establishments. |
|---------|-------|--|
| 1911-12 | 86,42 | |
| 1912-13 | 87,68 | |
| 1913-14 | 95,68 | |

The budget for 1913-14 is 95,58. As compared with the original budget of the year 1912-13 the chief difference is an increase of 74 under survey and settlement. Settlement operations are to be continued in the districts of Etawah, Fatehpur and Allahabad and a lump sum of 61 has been provided for operations in other districts, mainly in Pilibhit. Under charges of district administration there is a net increase of 18. The lump provisions made in the budget for 1912-13 in connection with the revision of the deputy collectors' cadre have been repeated, and will, it is hoped, be sufficient to meet the expenditure to be incurred in 1913-14.

Salaries and establishment charges are lower by 7 and the provision for travelling allowance has also been reduced by 8 on the basis of past actuals. On the other hand, the expenditure under supplies and services is 12 higher, as special provision has been made for tents for new deputy collectors (+8) and for the renewal of typewriters (+3). A new provision of 8 has also been made to meet expenditure on printing and binding charges in district offices, for which no proper allotments have hitherto existed and 14 have been added for certain refunds in the budget of the Mirzapur Stone Mahal. Under management of government estates there is a net decrease of 11. The special provision of 13 in the budget for 1912-13 for purchase of elephants in the Tarai and Bhabai estates has been reduced to 4; the anticipated outlay on improvements will be 6 lower, and there is a decrease of 10 under expenditure on the new forest scheme due to the transfer of the officer in charge to the Kumaun forest circle and to his replacement by a junior officer. On the other hand, there is a provision of 15 for the purchase of the land of the Haldwani poultry farm. Under land records there is a net decrease of 13. The non-recurring provisions included in the budget for 1912-13, of 11 in connection with the special duty of the late Director, Mr Moreland, and of 6 in connection with the revision of the Almora patwari records, have been omitted from the budget for 1913-14, but there are small counterbalancing increases under other heads.

The new expenditure under land revenue recommended by the Finance Committee at their meetings held in October 1912 and January 1913 is 6,30 recurring and 4 non-recurring. The chief items of recurring expenditure are a provision of 6,25 to give effect to the recommendations of Mr Pike's committee and a provision of 4 for the appointment of special surveyors and kanungos in districts coming under settlement. The non-recurring expenditure includes an item of Rs 1,200 for the appointment of ten extra court clerks for ejectment suits for eight months at Rs. 15 per mensem each in the Gorakhpur district, and Rs 1,200 for the appointment of ten extra court clerks at Rs 15 per mensem each for eight months to deal with the execution of decrees in respect of ejectment cases in the same district.

14 *Other collection charges*.—The expenditure included under this head is

| | |
|---------|-------|
| 1911-12 | 20,90 |
| 1912-13 | 24,19 |
| 1913-14 | 26,14 |

that recorded under Stamps, Excise, Forests and Registration. Expenditure on Stamps is equally divided between the Imperial and Provincial Governments. The Provincial Government bears three-quarters of the charges under Excise and the whole of the expenditure under Forests and Registration. The revised estimate for the year 1912-13 is 1,25 in excess of the original budget. There are increases of 6 under Stamps, of 5 under Excise and of 1,21 under Forests, with a small decrease of 7 under Registration. Under Stamps the increase is due to larger payments on account of discount following on larger sales of non-judicial and court-fee stamps; that under Excise is due to the grant of privilege leave to the Commissioner of Excise and to his Assistant, to the establishment of an Excise intelligence bureau and higher expenditure on travelling allowance, and to larger payments on account of rewards. There is a small counterbalancing decrease under distilleries mainly owing to savings in the salaries of inspectors due to the appointment of officers in the lower grades in higher grade vacancies. Of the increase under Forests, 70 is nominal being due to a transfer of that amount to the forest budget out of the Government of India's special grant of 1 lakh for the improvement of agriculture and allied objects. The money is being spent in the acquisition of certain babul forests in the Hamirpur district. The rest of the increase under forests is chiefly due to expected larger payments to the Raja of Tehri on account of his share of the increased revenue that is being derived from the leased forests in the western circle and to the establishment of a new direction division and the appointment of an additional staff in the Kumaun forests under the new scheme of management. The non-recurring provision of 15 in the budget for 1912-13 for the purchase of a traction engine has not been utilized, but the saving due to this cause is

nearly counterbalanced by increased outlay on fuel in the western circle and on resin operations in the Kumaun circle

The budget for 1913-14 is 3,20 in excess of the original budget for the year 1912-13. There are increases of 9 under Stamps, of 14 under Excise and of 3,00 under Forests and a decrease of 3 under Registration. The Stamps excess is due, as in the revised, to larger payments of discount on sales. Under Excise it is due principally to a larger provision of 10 for travelling allowance, based on past actuals and a provision of 2 for the purchase of new typewriters. Under Forests 71 of the rise of 1,51 apart from new expenditure is accounted for by higher expenditure in the Kumaun circle due chiefly to developments in connection with the new scheme of management, and 50 is for the afforestation of certain waste lands including 30 for babul plantations in the Hamirpur district. There is also a large increase (55) in the budget of the western circle. It is estimated that 61 more will be required on account of the Raja of Tehri's share in the increased revenue of leased forests, and that 11 more will have to be expended in the Lansdowne and Chakrata divisions to meet the larger demand for fuel required by the troops quartered at those places and for the Supply and Transport Corps. On the other hand, there is a reduction of 12 in the provisions for roads and bridges and buildings due to a reversion to the normal allotments under those heads, and a saving of 8 is also allowed for under salaries on the basis of the actual requirements of the year. In the eastern circle budget there is a net decrease of 25 due to the omission from the estimates for 1913-14 of non-recurring provision included in the budget for 1912-13 with small counterbalancing increases under other heads. The small decrease under Registration does not call for remark.

The budget includes new expenditure amounting to 1,49 of which 64 is recurring and 85 non-recurring. Practically the whole of the recurring increase appertains to the budget of the Kumaun forest circle and is nearly all owing to the larger outlay necessitated by the new scheme of management. The new non-recurring expenditure is distributed over all the forest budgets. In the western circle Rs. 8,300 have been provided for works which cannot be met from the normal allotments for roads and bridges and petty buildings, Rs. 4,000 for the purchase of a new elephant for the Ramnagar division, Rs. 25,000 for improvements in the turpentine distillery at Bhowali, Rs. 3,500 for the purchase of barrels for the distillery and Rs. 7,042 for the construction of rest houses at Mahesh Khan and Bogshar in the Naini Tal and Ramnagar divisions respectively. In the eastern circle Rs. 4,000 have been provided for the construction of a rest house at Kilpura in the Haldwani division and Rs. 3,663 for the construction of godowns and quarters for orderlies at the central office at Naini Tal. In addition a provision of Rs. 14,900 has been made for works which cannot be constructed out of the normal allotments for communications and buildings. In the Kumaun circle the non-recurring expenditure allowed for is Rs. 13,000, the largest item being Rs. 8,000 provided for the construction of a boom for catching *chir* sleepers at Tanakpur in the Almora district.

15 *Interest*—The expenditure under this head represents the interest paid to the Government of India on the provincial loan account.

| | | | |
|---------|---|------|--|
| 1911-12 | " | 9,14 | |
| 1912-13 | " | 9,52 | The revised estimate for the year 1912-13 is 23 in excess of |
| 1913-14 | " | 9,26 | the original budget. This excess is due in part to a reduction of 26 made by the Government of India in the figure originally proposed for the budget for 1912-13 and in part to the fact that the mean between the outstanding balance at the beginning of the year and the outstanding balance at its close is now expected to be 58 higher than was originally estimated. |

The loan account for 1913-14 opens with an outstanding balance of 2,65,99. New advances are estimated at 42,34, and it is expected that recoveries will amount to 39,28, leaving an outstanding balance on the 31st March 1912 of 2,69,05. The mean between this figure and the opening balance is 2,67,52, and interest on this at 8½ per cent comes to 9,36, which was the figure proposed by the Local

Government for the budget for 1913-14. The Government of India have however made a reduction of 10 in the estimate, which therefore stands at 9,26

| | | | |
|---------|-------|----|--|
| 1911-12 | 19,68 | 16 | <i>General Administration</i> —The revised estimate for |
| 1912-13 | 17,10 | | the year 1912-13 is 6 below the original forecast of 17,16, |
| 1913-14 | 16,90 | | the decrease being due to petty variations which do not call |

for remark.

The budget for the new year is 20 below the revised estimate for the year 1912-13 and 26 below the original budget. The principal variation is a decrease of 21 under staff and household expenses of the Lieutenant-Governor, due to the appointment of a junior officer as Private Secretary to His Honour and to the omission from the budget for 1913-14 of a special non-recurring provision included in the budget for 1912-13 for the renewal of furniture. In the Secretariat budget there is a decrease of 14 due to the appointment of junior officers as Secretaries to Government and to a reduction of 2 in the provision for officers on special duty. The variations under other heads do not call for remark.

The new expenditure is 1 recurring and 2 non-recurring. The chief item of recurring expenditure is Rs 900 for the appointment of a shorthand writer for the Commissioner of the Benares division on a pay of Rs 75 per mensem rising by biennial increments of Rs 5 to Rs 125. The non-recurring expenditure represents a single item of Rs 1,500 for the purchase of the *Sacred Books of the Hindus* for the Secretariat library.

17. *Courts of Law*.—The original forecast for the year 1912-13 was 61,27 so that the revised budget is 32 above it. This excess is made up of increases of 3 under High Court, of 3 under Judicial Commissioner, of 70 under Civil and Sessions courts, of 16 under Courts of Small Causes and of 6 under Refunds, and decreases of 17 under Law Officers and of 49 under Criminal courts. The increase under Civil and Sessions courts is due to the expenditure on extra courts, while that under Courts of Small Causes is entirely due to the retention of the Additional Judge at Lucknow and of his establishment. Under Law Officers a decrease of 17 is due to the appointment of a junior officer as Legal Remembrancer and to smaller expenditure under the head fees of pleaders and barristers in criminal cases, while the large decrease under Criminal courts is owing to a smaller debit to this head on account of the share of salaries of district officers. The variations under other heads are unimportant and do not call for notice.

The budget for the new year is 62,98, or 1,71 in excess of the original budget for 1912-13. The principal addition is one of 1,41 under Civil and Sessions courts due to the lump allotments of 84 and 89 for extra courts in Agra and Oudh being replaced by a lump provision of 3,60 for the partial introduction of Mr. Greeven's scheme for the revision of judicial establishments. A provision of 3 has been made for raising the pay of the Assistant Government Advocate from Rs. 500 to Rs 750 per mensem and Rs 10,000 have been added for the better remuneration of Government Pleaders and for the employment of special counsel in important cases. There are numerous smaller variations, but none are of sufficient importance to call for notice.

The new expenditure amounts to Rs 7,324 recurring and Rs. 3,806 non-recurring. The principal item of recurring expenditure is a provision of Rs 5,070 for the appointment of seven more stenographers for the courts of district and subordinate judges, and of a non-recurring provision of Rs 3,234 for the purchase of furniture for certain of the Civil Courts in Oudh.

18 *Jails*.—The revised estimate for the year 1912-13 is 64 below the original forecast. A considerable saving is anticipated under salaries of superintendents of central jails due to the appointment of junior officers in place of seniors on long leave, and the progress of actuals indicates that the expenditure on dietary charges and on the purchase of quinine will also be lower than was originally anticipated.

| | |
|---------|-------|
| 1911-12 | 18,10 |
| 1912-13 | 18,80 |
| 1913-14 | 19,52 |

The estimate for 1913-14 is 8 above the budget for 1912-13. There is a decrease of 23 under salaries of superintendents due to the absence of senior officers on leave, but this is more than counterbalanced by a new non-recurring provision of Rs 30,000 for the extension of the juvenile jail at Bareilly. A new recurring provision of Rs 1,500 is made for furnishing some means of subsistence to prisoners on release from jail, and Rs 1,300 recurring have been provided for the establishment of another reformatory for juvenile offenders at Rura in the Cawnpore district. The budget further includes a non-recurring provision of Rs 1,500 for a grant to the Salvation Army for the purpose of constructing quarters for the European in charge of the Dom settlement at Gorakhpur.

19 *Police*—The original budget for the year 1912-13 allowed for an expenditure of 1,12,17 so that the revised estimate is nearly 2½ lakhs lower. But 47 of the saving is nominal being on account of transfers made to the budget of the Public Works department and the rest is largely accounted for by the lapse of 1,80 from the lump allotment of 3,60 for police reforms, owing chiefly to the unavoidable delay that has occurred in giving effect to the scheme for relieving Act XX towns and notified areas of their police expenditure, the lump allotment of 10 for the establishment of a constables' training school has also lapsed as the site selected for the school is not now available, and as the question of the redistribution of railway police charges has not yet been settled, the lump allotment of 20 included in the budget for this purpose will not be required. Numerous smaller variations have not been noticed.

The budget for the new year provides for an expenditure of 1,24,10 or 11,93 more than the original budget for 1912-13. Reforms carried out from the lump allotment included in the budget for 1912-13 account for an addition of 29, and it has been found necessary to raise the provision for travelling allowance, on the basis of past actuals, by 2½ and to make some smaller additions aggregating 6. On the other hand, the provision for supplies and services has been reduced by 24, mainly on the basis of past expenditure under the head, and there are several petty reductions aggregating 2½ under other heads. The lump allotments of 10 for a constables' training school and 20 for the redistribution of railway police charges made in the budget for 1912-13 have been omitted from the budget for 1913-14 for the reasons already stated, and the lump allotment of 3,60 for police reforms has been replaced by a lump provision of 3,43 for the conversion of Act XX town and notified area police into provincial constabulary with effect from the new year.

The new expenditure amounts to 1,27 of which 21 is recurring. The recurring expenditure comprises an item of Rs 15,000 provided in connection with the scheme for the more effective registration, &c., of criminal tribes, Rs 5,000 for the reallocation of police circles in the Allahabad district, and Rs 960 for the conversion of the police outposts at Gairi in the Dehra Dun cantonment into a police station. The non-recurring expenditure is on account of the scheme referred to above. The bulk of the rise under the head is however owing to an addition of 11,02 made by the Government of India in connection with the scheme for the remission of appropriations from cesses to which reference has already been made.

This expenditure on village police has been met up to the present from the proceeds of the local rate in Agra.

20 *Education*—The original budget for the year 1912-13 provided for an expenditure of 52,13, but the Government of India have since sanctioned additional grants from Imperial revenues aggregating 5,80 as under—

| | | | |
|---------|-------|--|----------------------|
| 1911-12 | 48,86 | (a) In aid of the Allahabad University | 8,45 (45 recurring) |
| 1912-13 | 57,08 | (b) For construction and improvement of hostels | 1,75 (non-recurring) |
| 1913-14 | 76,75 | (c) For the improvement of aided English secondary schools | 60 (recurring) |

The Government of India have also permitted the utilization of 98 out of the unallotted portion of the recurring grant of 7 lakhs and of 2,00, being the amount earmarked on account of the Technological Institute at Cawnpore, included in the provincial balance of 1912-13, so that the revised estimate for the year 1912-13 is in reality 3,88 lower than the original budget. Part (1,39) however of the saving indicated is nominal being due to transfers to the budget of the Public Works department. The chief decreases which go to make up the balance of 2,44 are 79 under Inspection, due chiefly to delay in the provincialization of the district inspecting staff, 17 under Government Colleges (General) due to the retirement and transfer of senior officers and the appointment of juniors, 28 under Government Colleges (Professional) due to anticipated savings under salaries and establishment in the budget of the Roorkee college caused by the absence of officers on leave and deputation and owing to the post of instructor in cotton spinning remaining vacant, as also to the lump allotment for the textile and bleaching and dyeing departments not being fully utilized, 17 under Government Schools (General) due to expected savings in establishment charges, 36 under Government Schools (Special) due to short expenditure on the Technological Institute at Cawnpore and to the lapse of the allotment of 20 for the transfer of normal schools at Lucknow and Moradabad to Sitapur and Shahjahanpur, 12 under scholarships based on the progress of actuals and 20 owing to the lump provision for the regrading of the provincial educational service remaining unutilized. There are numerous smaller variations which have not been noticed.

It is anticipated that 4,40 out of the recurring grant of 4,50 will be spent during the year 1912-13 as follows —

| | Rs |
|---|-----------------|
| (1) In providing buildings for fifty one extra training classes for vernacular primary teachers for boys' schools | 81,618 |
| (2) On extra teachers for district board existing vernacular middle and primary schools for boys | 1,53,360 |
| (3) In opening 527 new primary schools for boys at Rs 150 per annum per school | 52,510 |
| (4) In reopening vernacular primary schools for boys which were closed for lack of funds | 67,751 |
| (5) Grant in-aid to Mis Jwala Prasad's girls' school, Shahjahanpur | 1,200 |
| (6) In improving the staff of certain model girls' schools in districts | 1,152 |
| (7) On industrial and technical education | 29,000 |
| (8) On the education of Europeans and Anglo Indians | 47,000 |
| (9) On non-recurring expenditure in connection with schools for factory children | 5,000 |
| (10) On female education | 1,404 |
| Total | 4,40,000 |

The balance of 10, has been reallocated in the budget for 1913-14 for providing teachers' quarters for the female normal school at Khurja.

Of the additional sum of Rs 98,400, Rs 90,000 is being spent on the building and equipment of fifty new training classes and the balance on the equipment of training classes already opened.

As regards the allotment of 4,59, made out of the balance of the Government of India's non-recurring grant of 15,91, in the budget for 1912-13 it is expected that out of the purely educational portion (3,59) 3,10 will be spent on various grants to government and aided schools. The balance 49, has been allowed to merge into the provincial balances with the sanction of the Government of India, but it is intended to ask the Government of India for permission to withdraw the money from the provincial balances during the course of the year. It is expected however that only 20 will be utilized out of the allotment of 1,00 made for the Technological Institute at Cawnpore. On the other hand, an addition of 20 has been allowed to cover the expenditure to be incurred against the further recurring subsidy of that amount received from the Government of India.

The budget for 1913-14 provides for charges amounting to 76,75 and includes full provision for the expenditure of the Government of India's recurring

grant of 7,00 as recently supplemented by a further recurring grant of 20. It also includes provision for the expenditure of 10 out of the special grant of 4,50 for education made by the Government of India in the budget for 1912-13 and of 1,52 out of the balance of 2,50 held over from the year 1912-13, as also for the expenditure of the further grants of 45 for the Allahabad University, of 60 for the improvement of aided secondary English schools and of 1,75 for the construction and improvement of hostels. On the other hand, the lump provision of 4,59 included in the budget for 1912-13 from the unexpended balance of the special grant of 15,91 received in 1911-12 has been omitted from the estimates for 1913-14.

Excluding special grants from the budgets of both years that of 1912-13 is reduced to 43,04 and that for 1913-14 to 44,74 inclusive of items of new expenditure recommended by the Finance Committee. Of the excess of 1,70,—1,61 is for new expenditure and the balance of 9 for other expenditure, the principal variations compared with the original budget for 1912-13 being decreases of 10 under Government Colleges (General) due to the retirement and transfer of senior professors, to the omission of a non-recurring provision in the budget for 1912-13 and to a larger lump deduction for probable savings, of 12 under Government Schools (General) due to a reduction of 10 in the lump provision in the budget for 1912-13 for the school-leaving certificate examination, to a larger lump deduction of 10 on account of probable savings and to the omission of non-recurring items, aggregating 5, included in the budget for 1912-13, counterbalanced to the extent of 9 by small increases under other heads. Other decreases are 14 under Government Schools (Special) due to a net reduction of 14 in the provision for the weaving station at Benares, of 15 in the provision for the Technological Institute at Cawnpore, of 20 under boys' training schools due to the omission of the lump allotment in the budget for 1912-13, of 20 for the transfer of normal schools, to which reference has already been made, counterbalanced to the extent of 9 by higher expenditure on the Industrial schools at Lucknow and Gorakhpur, of 6 on the School of Arts and Crafts at Lucknow, of 10 on the Carpentry school at Bareilly, of 6 on Model Girls' schools, of 1 on the Reformatory school at Chunar and of 2 on the Girls' Training school at Lucknow.

Under grants-in-aid there are increases of 35 and under scholarships of 12.

The new expenditure is 48 recurring and 1,13 non-recurring. The principal items of recurring expenditure are Rs 1,900 for the appointment of a mechanic on Rs 50 per mensem and of two mistries on Rs 10 per mensem each, together with other recurring charges, in connection with the project for electric installation at the Muir Central college, Allahabad, Rs 2,916 for the grant of a graduated scale of library allowances to teachers in government high schools, Rs 4,572 for improving the pay and prospects of teachers in boys' model schools attached to boys' normal schools, Rs 3,360 for increased staff and revision of the scale of salaries at the Carpentry school, Bareilly, Rs 1,440 for the appointment of a demonstrator for geology at Rs 120—5—200 at the Thomason college, Roorkee, Rs 5,200 on account of an increased grant to the St John's college, Agra, Rs 3,600 as a grant-in aid to the Crosthwaite Girls' school, Allahabad, to meet the pay of a European or American lady Principal, Rs 2,684 as a grant to the Philander Smith college, Naini Tal, for its provident fund, Rs 1,202 as a grant to the Kali Charan high school at Lucknow and Rs 3,509 for grants-in-aid to private industrial schools. The non-recurring expenditure includes Rs 7,140 for the purchase of furniture for the Government high school at Budaul, Rs. 25,000 as a grant to the Church Mission high school at Lucknow, Rs 19,459 for a building grant to the Bengal Tola High school at Benares, Rs 25,000 as a building grant to the proposed Kali Charan High school at Lucknow, Rs. 7,820 for the purchase of timber and other raw materials for the Carpentry school at Bareilly; Rs 5,000 for the construction of a vernacular middle school at Ballia, and Rs. 16,338 as a building grant to the Mission High school at Farrukhabad. In addition to the above the Government of India have made a lump addition of

20,50 (i.e. 6,38 recurring, and 14,12 which represents approximately one-third of the non-recurring grant of 42,25) The recurring grant of 6,38 is allotted as follows —

| | Rs |
|------------------------------------|----------|
| Primary education | 3,08,000 |
| Girls' education | 70,000 |
| Colleges and training institutions | 45,000 |
| Secondary education | 95,000 |
| Technical and special education | 34,000 |
| European education | 80,000 |
| Manual training | 11,000 |

The non-recurring grant of 42,25 is distributed as follows —

| | Rs |
|--|-----------|
| University | 2,00,000 |
| Hostels | 8,25,000 |
| Colleges and secondary schools and training institutions | 4,50,000 |
| Elementary schools | 15,00,000 |
| Educational hygiene, gymnasia, &c | 3,00,000 |
| Manual instruction | 1,00,000 |
| Girls' schools, technical and special schools | 3,00,000 |
| European education | 5,50,000 |

As regards these grants the Government of India have remarked that they do not desire to tie down the Local Government too rigorously to particular heads provided there is a general conformity to policy and they will consider favourably applications for transfer of funds from one educational head to another subject to this general provision

21 *Medical*—The revised estimate for the year 1912-13 is 79 below the

| | | |
|---------|-------|---|
| 1911-12 | 30,08 | original budget, the principal variation being a saving of 1,00 |
| 1912-13 | 30,00 | in the plague allotment which is however counterbalanced |
| 1913-14 | 41,23 | to the extent of 26 by provision required for the new service |

of municipal health officers. Savings under salaries of district medical officers and reserve sub-assistant surgeons, partly counterbalanced by an increase under travelling allowance of medical officers account for a decrease of 7 in medical establishment charges. Under sanitation and vaccination there is an apparent saving of 19, apart from the expenditure for municipal health officers, but this is due to the transfer of the provisions of 20 and 6 for revision of vaccinators' pay and for village sanitation to the head hospitals and dispensaries, partly counterbalanced by extra expenditure necessitated by the appointment of two additional Deputy Sanitary Commissioners. Under grants for medical purposes there are petty savings amounting to 4 in addition to the lapse of 1,00 in the plague grant. On the other hand, there is an increase of 25 under hospitals and dispensaries due to the transfer already referred to.

The Government of India's special non-recurring grant of 8,00 for sanitation will, it is anticipated, be expended in full in grants to municipalities for drainage and water works projects, viz to the Fyzabad municipality 1,12, to Cawnpore 58, to Ballia 50, to Jaunpur 50, to Lakhimpur (Kheri) 27, to Muttra 2,00, to Saharanpur 50, and to Agra 2,53.

The Government of India have made a lump addition of 16,25 under this head, viz 1,00 (non-recurring) for medical relief, 6,00 (recurring) and 9,25 (which represents approximately one-third of the non-recurring assignment of 27,50) for urban sanitation. The grant of 1,00 is for the improvement of medical institutions, but the Government of India have left it to the Local Government to decide to which particular scheme the money should be applied. The recurring and non-recurring grants of 6,00 and 9,25 are primarily for urban sanitation, but the Government of India have no objection to a portion being spent on rural sanitation provided that they are satisfied in the first instance that practical schemes for the purpose are forthcoming. Apart from this addition the budget for 1913-14 is 5,81 below the original budget for 1912-13, the large decrease being due to the omission of the special non-recurring provision of 9,02 included in the budget for

1912-13 on account of the Government of India's special grant of 8,00 to which reference has already been made and 1,02 on account of a special non-recurring grant for sanitary improvements in the Act XX town of Rikhikesh in the Dehra Dun district. Medical establishment charges are higher by 10 owing chiefly to the promotion of junior officers and to the appointment of two more reserve assistant surgeons. Under "Hospitals and Dispensaries" there is a net increase of 1,19 due chiefly to an addition of 31 under district board contributions, 25 being on account of the revision of the vaccination staff and 6 on account of grants for village sanitation, and to the inclusion of the charges of the Medical College Hospital at Lucknow (88). Smaller changes have not been noticed. Under sanitation and vaccination there is a net decrease of 9,14 due to the omission of the special non-recurring grants already referred to with smaller counterbalancing changes under other heads, chief among these alterations being an addition of 13 made in connection with the appointment of two additional Deputy Sanitary Commissioners. The only other variation of any importance is an increase of 30 in the charges of the Lucknow Medical College.

The new expenditure included in the budget amounts to 1,76 of which 1,26 is recurring and 50 non-recurring. Of the new recurring expenditure the chief items are 26, for raising the pay of assistant surgeons, 75 for the new services of municipal health officers and sanitary inspectors, 5 for tuberculin treatment in certain districts, 6 for additional grants-in-aid to the Dufferin Fund, 3 for training indigenous *dhais* at certain female hospitals, 2 for grants to the Balrampur hospital at Lucknow, 2 for the establishment of a malaria travelling dispensary in the Banda district, 4 for the revision of the pay of the staff attached to lunatic asylums and 1 for an increase in the annual grant-in-aid to the Dufferin Hospital at Agra to admit if necessary additions to the pay of nine pupil nurses, attached to the Lady Lyall dispensary. The non-recurring expenditure includes 25 for a grant to the Colvin dispensary at Allahabad, 14 for a grant to the Balrampur hospital at Lucknow, 2 as a grant-in-aid to the Pasteur Institute at Kasauli towards the construction of a rabic hospital for patients, and 3 for travelling microscopes and travelling outfit for the Sanitary and Deputy Sanitary Commissioners.

22 *Scientific and other minor departments*.—The revised estimate of the year

| | | |
|---------|-------|---|
| 1911-12 | 11,51 | 1912-13 is 35 below the original budget. |
| 1912-13 | 12,80 | Of 1 lakh sanctioned by the Government of India for agri- |
| 1913-14 | 13,60 | culture and allied objects 73 has been transferred to the |

Forest (70) and Public Works department (3) budgets. On the other hand, an addition of 30 has been made under the sub-head "Miscellaneous" for the payment of a non-recurring grant of that amount to the owner of the sugar factory at Pilibhit.

In the Civil Veterinary department budget a decrease of 9 is anticipated owing to a smaller quantity of serum being purchased and to savings under the head Salaries, but the decrease is to some extent counterbalanced by an addition of 2 (out of the special grant of 1 lakh referred to above) for the construction of buildings at the Kheri cattle farm, and 3 for the payment of compensation to the owners of animals destroyed under the Glanders and Farcy Act. Under the sub-head "Agriculture" there is a net increase of 11, additional expenditure of 33 (including 25 out of the Government of India's special grant) being counterbalanced to the extent of 18 by short expenditure under "Salaries" due chiefly to the non-appointment of an Agricultural Engineer. An increase of 3 due to the creation of a separate establishment for the Registrar, Joint Stock Companies, is more than counterbalanced by a decrease of 4 under the sub-head "Inspector of Factories" due to the abolition, with effect from the 1st July 1912, of inspection fees under the new Factories Act. The only other variation of any importance is an increase of 28 under "Botanical and other public gardens" due to provision having been made by reappropriation for a pumping machine for the Lucknow gardens (10) and to additional outlay in the city park at Agra (20).

The budget for 1913-14 is 45 above the original budget for 1912-13 and 85 above the revised. The special non-recurring grant of 1 lakh made by the Government of India as also non-recurring grants aggregating 86 made by the Local Government—for the Aligarh Seed Farm (10), for establishing an agricultural station in Rohilkhand (30), for the acquisition of land for the extension of the Economic Botanists' plots (5), for a workshop (4), for the construction of lodging houses (3), for the purchase of land for the Agricultural college (5), for the purchase of bulls for breeding purposes (5), for the construction of show cases for the Lucknow Museum (12), and for other small items aggregating (12)—have been omitted. Provision has been made in the budget for the third Assistant Director of Agriculture, for percolation well experiments which were held over pending the appointment of the Agricultural Engineer (4), for two more trained overseers in the subordinate gardening service (2), for the travelling allowance of the deputy superintendent and additional inspector in the Civil Veterinary department (2), for compensation to owners of animals destroyed under the Glanders and Farcy Act (3), for clearing land for the Kheri bull farm (2), for the payment of an allowance to medical officers discharging the duties of certifying surgeons under the Indian Factories Act (2), for assistance to indigenous industries for exhibitions in connection with the silk industry (1), and for the establishment of the Registrar of Joint Stock Companies (4). In addition to these a provision of 3 has been made in the Civil Veterinary department budget to give effect to the proposal, which has been sanctioned by the Government of India, for the supply of tents and furniture to veterinary inspectors, and 5 has been provided as a reserve to be held by the Director of Land Records and Agriculture to meet urgent demands which may arise during the course of the year. Smaller provision has however been made under the head "Agricultural experiments" in view of the appointment of a Sugar Engineer, the provision of 4 in the budget for 1912-13 on account of the poultry farm has been transferred to the Tara and Bhabar budget, the provision under nazul gardens has been reduced by 7, chiefly owing to the transfer of 6 on account of the Alfred Park pumping station charges to the Public Works department budget, a reduction of 8 has been made under the sub-head "Inspector of Factories" owing to the discontinuance of fees to inspectors under section 3 of the Factories Act and smaller provision to the extent of 71 has been made for the Agra city park. The budget also includes items of new expenditure aggregating 2,33 of which 47 is recurring and 1,86 non-recurring. The recurring items include 23 for the working of the (a) seed farms at Cawnpore (Rs 6,500), (b) the Shahjahanpur sugarcane farm (Rs 6,200), (c) the Nawabganj (Bareilly) sugarcane farm (Rs 8,500) and (d) the Kashipur (Nauri Tal) cotton farm (Rs 2,500), 8 for the Gorakhpur sugarcane farm, 5 for a scheme for starting a farm for rearing bulls in the Muttra district, 6 for the appointment of a third Deputy Director of Agriculture and 2 for the feed and keep of sheep for breeding experiments. The non-recurring demands include 50 for the initial charges of the Gorakhpur sugarcane farm, 19 for the initial charges of the Shahjahanpur sugarcane farm, 5 for contingencies of the new seed farm at Cawnpore, 5 for experiments with power-lifting machinery, 5 to complete the equipment of the Nawabganj farm and to metal the approach road to the farm; 3 for the extension of canals to the newly-acquired land for the Government experimental farm at Cawnpore, 4 for improving the position of the workshop buildings and machines of the Agricultural college at Cawnpore, 5 for experimental work in the improvement of cotton seed, 11 for a grant for the equipment and maintenance of the Jumna Mission farm at Allahabad, 38 for the initial charges of the scheme for starting a farm for rearing bulls in the Muttra district, 15 for accommodation and premises for animals at the veterinary station at Lucknow, 6 for the expansion of the Kheri farm buildings and construction of a bridge, 15 for a proposed zenana park at Lucknow, and for other small items 5. Apart from these additions the Government of India have added 60 in lump to the estimates under this head, and have indicated that the grant is primarily intended for work in connection with cotton and sugarcane.

23 *Miscellaneous civil charges*—This head includes charges shown under the

| | | | |
|---------|----|-------|--|
| 1911-12 | .. | 41,18 | heads "29, Superannuation allowances and Pensions," "30, |
| 1912-13 | .. | 41,68 | Stationery and Printing" and "32, Miscellaneous" The |
| 1913-14 | .. | 48,10 | revised estimate of the year 1912-13 is 87 higher than the |

original budget estimate The increase is chiefly in pension charges the progress of actuals indicating an excess over the original budget of 80 Under "Miscellaneous" there is an increase of 17 due mainly to larger remissions of takavi advances, and under Stationery and Printing a decrease of 10 due to a saving of 22 in Government Press expenditure and an excess of 13 under stationery supplied from the Central Stores based on the progress of actuals

The budget for the year 1913-14 is 2,29 higher than the budget for 1912-13, the main rise being 1,80 under pensions based on the revised estimate for 1912-13 and the rate of increase indicated by the actuals of previous years

Stationery and Printing charges are 11 higher, increases of 16 under stationery supplied from the Central Stores and of 1 under refunds being counterbalanced to the extent of 6 by lower expenditure on the Government Press Minor variations have not been noticed

Under Miscellaneous there is an increase of 38, of which 15 represents a new provision for benefactions by the Lieutenant Governor, 20 have been provided for the purchase of portraits of His Majesty the King-Emperor for distribution to government offices and civil courts and the provision for contributions to district boards has been raised by 6 to compensate the Muttra district board for loss in rates due to revision of settlement Small counterbalancing decreases under other heads have not been noticed

24 *Irrigation*—The revised estimate for the year 1912-13 is 77 higher than

| | Works | Inter- est | |
|---------|-------|---------------|--|
| 1911-12 | 35,34 | 30,36 | |
| 1912-13 | 34,34 | 31,70 | |
| 1913-14 | 32,75 | 32,12 | |

the original budget The increase is due to an additional grant of 1,30 sanctioned by the Government of India for tank works in Bundelkhand under departmental minor works which is partly counterbalanced by a decrease of 35 under the same head owing chiefly to the non-utilization of the provision for the Nuh jhil project in the Muttra district There is also a reduction of 18 under departmental major works due to the partial utilization of the provision on account of arrears of pay of revenue establishment

The budget for 1913-14 is 82 below the original budget for 1912-13 owing chiefly to a more careful selection of projects for inclusion in the budget Full provision has however been made to the extent of 83 in connection with the opening of the new Hathras branch, 5 has been added for increasing the pay of runners from Rs 5 to Rs 6 per mensem each, 18 for revision of the upper subordinate establishment and 5 for improving the pay of sub-overseers.

25 *Civil Works*—The revised estimate for the year 1912-13 is 3,34 in excess

| | | |
|---------|-------|--|
| 1911-12 | 71,22 | of the original budget. Under the civil head there is an |
| 1912-13 | 78,06 | |
| 1913-14 | 70,25 | increase of 1,68 due to larger grants to district boards |

(57) and municipalities (1,14), counterbalanced to the extent of 3 by a decrease under other items Under the departmental head a net increase of 1,66 over the original provision is shown This is owing to transfers from the budgets of other departments, chiefly Education and Police, aggregating 3,10, and counter-transfers to the budgets of other departments amounting to 25, with a net lapse of 1,29 and an addition of 10 for archaeological works which is covered by an assignment from Imperial revenues.

The new budget is 4,46 below the original budget for 1912-13 Under the civil head there is a decrease of 3,56 which is mainly owing to a lump deduction of 3,43 made by the Government of India in connection with the scheme for the remission of appropriations from cesses. The grant under the departmental

head, including new expenditure, compares as shown below with the sanctioned allotment for 1912-13.—

| | 1912-13 | 1913-14 |
|---|---------|---------|
| Original works | 35,47 | 29,23 |
| Repairs | 20,82 | 21,46 |
| Establishment | 8,90 | 9,55 |
| Tools and plant and suspense accounts | 99 | 1,04 |
| Lump addition made by the Government of India | | 4,00 |
| Total | 66,18 | 65,28 |

The large decrease under original works is partly due to a careful selection of projects for inclusion in the budget, as far as possible only those works being included which have been finally sanctioned or which are of special urgency and are fairly certain to be carried out within the year. The new budget includes a provision of 2,75 for the High Court as compared with 2,50 provided in the budget for 1912-13. For the Medical College a provision of 3,47 is included as compared with 10,00 provided in the year 1912-13. The new projects include 30 for the construction of a residence for the Commissioner at Meerut, 19 for re-roofing the Deputy Commissioner's office at Sultanpur, 14 for providing iron record racks for the new Commissioner's court at Jhansi, 16 for the construction of residences for two deputy collectors at Ballia, 34 for the construction of a residence for the Commissioner at Jhansi, 20 as a lump provision for the construction of tahsildars' and naib tahsildars' quarters, 15 as a lump provision for the construction of retiring rooms and bathrooms for deputy collectors in certain district offices, 10 as a lump provision for providing accommodation for litigants; 37 for an electric installation in the Muir Central college at Allahabad, 14 for additions and alterations in the Government high school at Bulandshahr, 20 for additions to the Government high school at Aligarh, 13 for additional accommodation at the carpentry school at Bareilly, 16 for enlarging the Government high school at Gonda, 20 for construction of a residence for the Indian Education Service head master to be appointed to the Government high school at Allahabad; 20 as a lump provision for judicial buildings required under the Greeven scheme, 13 for constructing iron cubicles in the Gonda district jail, 30 for feeder roads in connection with the Shahdara-Saharanpur Light Railway, 19 for police outposts in the Dehra Dun district, 13 for a new police station at Talgaon in the Sitapur district, 16 for a new police station at Gosainganj, Lucknow, 15 for a new police station at Karakat in the Jaunpur district, 14 for a new police station at Dildarnagar in the Ghazipur district, 18 for a new police station at Purandarpur in the Gorakhpur district; 10 for a residence for the Executive Engineer at Gonda, 13 for the residence of the District Engineer at Almora, 30 for additions to the Lunatic Asylum at Agra; 25 for the construction of a residence for the Superintending Engineer at Allahabad, 14 for improving the Vishnu-Pryag-Hanuman-Chatti section of the Hardwar-Badrinath road, 15 for widening and improving the Phaphamau-Malaka road, 70 for a new bridge of boats at Benares, and 30 for purchase of the Narghat ferry at Mirzapur.

The lump addition of 4,00 made by the Government of India represents one-third of the special grant of 12,00 for general purposes.

26. *Contributions*—The budget for 1912-13 provided for an expenditure of 15,72 on this account, the distribution of which by

| | | | |
|---------------|-------|----|------|
| 1911-12 | 22,85 | | |
| 1912-13 | 21,76 | | |
| 1913-14 | 16,25 | | |
| Education | | .. | 6,70 |
| Medical | | . | 1,55 |
| Miscellaneous | | . | 29 |
| Civil works | | . | 7,18 |

Allowance was originally made for resumptions aggregating 2,24 to admit of the provincialization of the charges for deputy and sub-deputy inspectors of schools and their orderly peons, for which a special provision of 2,70 had been entered in the budget of the Educational department. It has only been possible however to resume from the boards a sum of 1,66, as the provincialization of the charges in question was only generally effected by the 1st June and in the

case of a few boards from the 1st July 1912. The result is accordingly a net increase of 58, in the contributions to district boards which has however been met by reappropriation from the provision of 2,70 entered in the Educational budget. Further additions have also been made during the year from grants received from the Government of India, viz. 40, for the building and equipment of twenty-eight training institutions for primary schools, 1,53 for extra teachers required for district boards' vernacular middle and primary schools for boys, 53, for new vernacular primary schools for boys, 29, for non-recurring expenditure on account of new primary schools for boys and the reopening of those primary schools which were closed by boards for lack of funds, together with 36, recurring in the case of the latter, 3, to the Benares district board for reopening girls' schools, providing additional teachers, &c, a refund of 14, to the Budaun district board on account of expenditure incurred in connection with the new high school, and 1,40, for the construction and equipment of new training classes and the maintenance of certain of such classes already opened. Other additions are 23, on account of the revision of the pay of the vaccination staff, 6, from the 5-lakh sanitation grant towards the encouragement of village sanitation, a recurring grant of 6, to the Muttra district board on account of loss in local rates due to the reduction of revenue, 40, for the construction of certain feeder roads in connection with the Shahdara-Saharanpur Light Railway, 11, for widening the Agra-Farrukhabad road between the Bank and circuit house at Agra, 1, for remodelling the orphanage road in Cawnpore, 2 for special repairs to the Tharali suspension bridge in Garhwal, 1, to Bijnor for the Tajpur-Sheohara road, and 4, approximately for the Tejam suspension bridge in Almora. The status of the Haidwar dispensary has however only been raised from the 1st December 1912 and a grant of Rs 750 only has therefore been made to the Saharanpur district board against 3, originally provided in the estimate for 1912-13. At the same time allowance must be made for a resumption of 2, nearly, from the Gorakhpur district on account of the provincialization of the charges for keeping the Rapti bund in repair and a resumption of 2, from Cawnpore on account of the provincialization of the canal road in that district. The revised estimate for the year is accordingly 6,04 in excess of the original budget, the distribution of this excess is as under —

| | |
|-------------------------|-------|
| Education | +5,26 |
| Medical | + 27 |
| Miscellaneous | + 6 |
| Civil works | + 45 |

In 1913-14, apart from obligatory contributions amounting to 17,70, inclusive of the grant of 3, for the Hardwar dispensary and 40, the surplus of the ferry fund, provision has been made for recurring additions aggregating 3,59, from the grants received from the Government of India for educational purposes, the main items being 2,30, for extra teachers for district board existing vernacular middle and primary schools for boys, 79, for new vernacular primary boys' schools and 46, for reopening the primary schools for boys which were closed by district boards for lack of funds. Allowance has also been made for additions of 5, for the construction of a vernacular middle school at Ballia, of 6, for village sanitation, of 25, the cost of the scheme for revising the pay of the vaccination staff, of 25 for a grant to the Colvin dispensary at Allahabad and of 6, to the Muttra district board for loss in local rates. On the other hand, the resumption of 2,24, on account of deputy and sub deputy inspectors of schools and their orderlies must be taken into consideration as well as the resumption of 4, already referred to in the revised estimate in respect of the Rapti bund in Gorakhpur and the canal road in Cawnpore. With these changes the contributions for the year 1913-14 amount to 19,68, the distribution by major heads being as follows —

| | |
|-------------------------|-------|
| Education | 10,88 |
| Medical | 2,10 |
| Miscellaneous | 55 |
| Civil works | 6,50 |

The Government of India have however made a reduction of 3,43 under the last head in connection with the scheme for the remission of appropriations from cesses.

APPENDIX I

Memorandum, dated the 25th March 1909, by H M ABDUR RAHIM of a scheme to reduce the rates of interest prevalent in the United Provinces of Agra and Oudh

The prevalence of high rates of interest in India, particularly in the United Provinces of Agra and Oudh, is so confirmed and obvious an evil that any scheme which may be considered to mitigate it is worth a trial.

Whatever other causes there may be of the high rates of interest, the one that strikes me most is the fact that the money lending profession is not now confined to any particular class of people. Even some Muhammadans also have joined the profession.

Any one who saves some money begins by giving loans to his neighbours and gradually becomes a professional money lender. The needy who apply for help to such a person agree to pay any interest demanded by him. It is natural for thrifty persons to apply their savings to some profitable business, and in the absence of other good and reliable investments they feel it safe to invest their money in mortgages of immovable properties, and inasmuch as they have no training in the business they charge as high a rate of interest as they can extort from their debtors. Many bargains reach the limits of unconscionableness, but owing to the sanctity of freedom of contract the courts of justice are powerless to interfere in the matter.

Following the usury laws of England the Indian legislatures also tried for a period of more than half a century from 1793 to 1855 to regulate the rates of interest, but devices were employed to defeat the object. When in 1854 all the usury laws were absolutely repealed in England by 17 and 18 Vic, c. 90, Act XXVIII of 1855 was passed in India and contracting parties were left to choose their own terms.

Some fifteen years ago a pamphlet was published by Thakur Makund Singh, an intelligent zamindar of this district, since deceased, complaining of the prevalence of high rates of interest and making an impracticable request that the Government would be pleased to regulate it. By the perusal of that pamphlet my attention was drawn to this matter, and, after careful and mature consideration, I came to the conclusion and wrote some notes on the point that if the Government should be pleased to pass an Act embodying the following provisions, the prevailing evil would be removed, namely (a) that no one should be entitled to carry on the money-lending business without obtaining a licence authorizing him to do so, (b) that the conduct of the money lenders in their dealings with their clients should be regulated, (c) that the licensed money lenders should be permitted to take money on deposit bearing reasonable interest, (d) that they should be allowed to charge interest on their loans double the average interest paid by them to their depositors.

Since then I have often reconsidered the matter and I find nothing to alter my opinion. I am rather fortified in my views by 63 and 64 Vic, c. 51, which has compelled the money lenders in Great Britain to register themselves under the said Statute.

The passing of an Act like that proposed above will deter every thrifty saving man from becoming a professional money lender. He will much rather prefer to deposit his savings with a reliable licensed money lender whose loanable capital will thereby be increased, and without any interference with freedom of contracts the money lender will have to regulate his rates of interest on loans with reference to the rates which he is himself willing to pay on deposits.

The registered banks and co-operative credit societies now established in these provinces should be exempted from the operations of such an Act and a graduated series of licence fees dividing the money lenders in five grades should be fixed. Every money lender should be required, in addition to his account books, if any, to keep two separate books with counter-foils, one containing the abstracts of the bond

taken by him from his debtor and the other containing the entry of the payments on account thereof, the counterpart of each entry to be given to the debtor so that he may be able to know and ascertain at any time his exact position with regard to the debt incurred by him. Some provision should also be made in the Act for checking the two abovementioned books and for ascertaining the position of the money lender regarding the grade to which he belongs. Public inspectors should be appointed by the Government from the funds of the licence fees to perform the abovementioned works.

It is expected that such an Act, if passed, would not only increase the loanable capital of the money lender by giving him a chance to take money on deposits and regulate the rates of interest, but would confer a boon on debtors, whose part payments are not generally credited when a suit is filed in court and for want of proof in 99 out of 100 cases the plea of payment is rejected.

As to the authority of the Local Government to pass such an Act, as far as I have studied the point, I think that the Local Government has full authority to pass such an Act for the protection of the community of debtors.

In conclusion, I fear that a feeble attempt will be made by some interested persons to oppose such a proposal, but the whole community of debtors will hail it as a blessing, and it is expected that many hereditary professional money lenders will also gladly agree to the proposal.

APPENDIX II.

THE STATEMENT REFERRED TO IN QUESTION No. 45.

Cases of murder which were committed in Cawnpore City during the last three years.

| Year | Number reported in the year | Number proved or declared to be false | Total true cases | Number convicted | Number discharged or acquitted | Number not detected or apprehended | Number pending at end of the year | Number of cases in which arrests have been made | Number withdrawn | Remarks |
|------------|-----------------------------|---------------------------------------|------------------|------------------|--------------------------------|------------------------------------|-----------------------------------|---|------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1910 | 3 | .. | 3 | .. | 2(a) | 1 | .. | 2 | .. | (a) In one case the accused was convicted but acquitted on appeal |
| 1911 | 5 | .. | 5 | 2(b) | 1 | 2 | .. | 2 | . | (b) In one case the accused was convicted under section 304, Indian Penal Code. |
| 1912 .. . | 10 | .. | 10 | 5 | 1 | 3 | .. | 6 | 1 | |

N B—The total number of murders committed in the Cawnpore district including the city during 1912 was 81 of which 8 remained undetected, 15 were detected and the accused prosecuted to conviction, 5 were acquitted, 1 case was pending trial at the close of the year and two withdrawn.

Cases of dacoity which took place in the Cawnpore district during the last three years.

| Year | Number reported in the year | Number proved or declared to be false | Total true cases | Number convicted | Number discharged or acquitted | Number not detected or apprehended | Number pending at end of the year | Number of cases in which arrests have been made | Number withdrawn | Remarks |
|------------|-----------------------------|---------------------------------------|------------------|------------------|--------------------------------|------------------------------------|-----------------------------------|---|------------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1910 | 18 | 1 | 17 | 2 | 1(a) | 13 | 1 | 3 | .. | 1(a) In this the accused were at first convicted but acquitted on appeal |
| 1911 .. . | 29 | 4 | 25 | *1 | 1 | 22 | 1 | 2 | .. | *In addition a section 400 case was taken up against 24 Kanjars responsible for most of these dacoities of whom 18 were convicted and sentenced to long terms of imprisonment. |
| 1912 .. . | 18 | 2 | 16 | 1 | .. | 15 | .. | 1 | .. | |

APPENDIX III

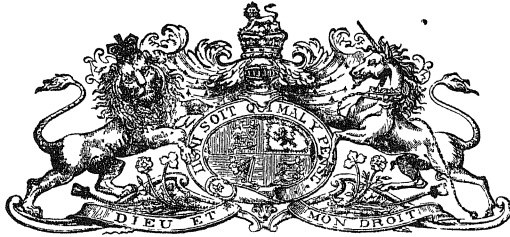
Statement showing the number of tansil committees in the province

| | District | No. of committees |
|--------------|----------|----------------------|
| Saharanpur | .. | 4 |
| Meerut | . | 6 |
| Muttra | ... | 5 |
| Agia | .. | 7 |
| Mainpuri | | 5 |
| Bijnor | | 4 |
| Moradabad | ... | 6 |
| Farrukhabad | . . | 6 |
| Etawah | . | 4 |
| Allahabad | | 9 |
| Banda | | 8 |
| Jalaun | . . | 4 |
| Jaunpur | | 5 |
| Basti | | 5 |
| Azamgarh | | 2 |
| Unao | | 4 |
| Rae Bareilly | | 4 |
| Sitapur | | 4 |
| Haidou | . | 4 |
| Fyzabad | | 4 |
| Gonda | | 4 |
| Bahraich | | 3 |
| Sultanpur | . | 4 |
| Partabgarh | | 5 |
| Bara Banki | | 4 |

APPENDIX IV

Statement referred to in question no. 92.

| | Rs |
|--|---------------------|
| Advanced for the purchase of machinery and accessories | ... 1,17,000 |
| Recovered from hire or purchase of machinery | ... 55,856 |
| Remitted | ... 9,580 |
| Outstandings due to the department for hire or purchase of machinery, &c | ... 9,359 |
| Approximate valuation of machinery &c, in stock | ... 13,859 |
| Loss on depreciation, &c | ... 28,346 |
| Total | ... <u>1,17,000</u> |



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THE UNITED PROVINCES OF AGRA AND OUDH

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this part, in order that it
may be filed as a separate
compilation

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ALLAHABAD, SATURDAY, APRIL 19, 1913

PART VII

GOVT., UNITED PROVINCES

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR THE UNITED PROVINCES OF AGRA AND OUDH, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO 1909.

The Council met at the Government House, Lucknow, at 10-30 am, on Monday the 14th April 1913.

PRESENT

The Hon'ble SIR JAMES SCORGIE MESTON, K.C.S.I., Lieutenant-Governor,
presiding

The Hon'ble MR D C BAILLIE, C.S.I., I.C.S., *Vice-President*

The Hon'ble RANA SIR SHEORAJ SINGH, K.C.I.E

The Hon'ble MUNSHI MAHADEO PRASAD, M.A., LL.B

The Hon'ble DR SUNDAR LAL, RAI BAHADUR, B.A., LL.D., C.I.E

The Hon'ble SAIYID MUHAMMAD ABDUR RAUF.

The Hon'ble RAI SHANKAR SAHAI SAHIB.

The Hon'ble BABU BALAK RAM.

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR.

The Hon'ble RAJA KUSHALPAL SINGH, M.A., LL.B.

The Hon'ble BABU BRIJNANDAN PRASAD, M.A., LL.B

The Hon'ble PANDIT MOTI LAL NEHRU

QUESTIONS AND ANSWERS

[Munshi Mahadeo Prasad, Mr. Pim.]

The Hon'ble RAI GOKUL PRASAD BAHADUR, M A, LL B.

The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH, K C I.E.

The Hon'ble KHWAJA GHULAM-US-SAQLAIN, B A, LL.B.

The Hon'ble SAIFYID RAZA ALI, B A, LL B.

The Hon'ble SHAIKH SHAHID HUSAIN, B.A., LL B

The Hon'ble BABU MOTI CHAND

The Hon'ble MUNSHI ASGHAR ALI KHAN, KHAN BAHADUR, B A., LL B

The Hon'ble MR. G. A. TWEEDY, I C.S.

The Hon'ble MR. F. W. BROWNBIGG, I C.S.

The Hon'ble MR. R. BURN, I C.S.

The Hon'ble MR. A. W. PIM, I C.S.

The Hon'ble MR. C. H. HUTTON.

The Hon'ble MR. W. G. WOOD

The Hon'ble COLONEL C. C. MANIFOLD, I.M.S.

The Hon'ble LIEUT.-COLONEL C. MACTAGGART, C.I.E., I.M.S.

The Hon'ble MR. D. M. STRAIGHT

The Hon'ble MR. H. R. C. HAILEY, I C.S.

The Hon'ble MR. E. H. ASHWORTH, I.C.S.

The Hon'ble CHAUDHRI MAHARAJ SINGH, RAI BAHADUR.

The Hon'ble RAI BISHAMBHAR NATH BAHADUR.

The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN, K.C.S.I.

The Hon'ble NAWAB MUMTAZ-UD-DAULA SIR MUHAMMAD FAIYAZ ALI KHAN, K C I.E., K C.V.O., C.S.I.

The Hon'ble MR. F. MACKINNON.

The Hon'ble DR. TEJ BAHADUR SAPRU, M A., LL.D.

The Hon'ble LALA SUKHBIR SINGH

The Hon'ble RAJA FRANCIS XAVIER SHIAM RIKH

The Hon'ble MUNSHI NARSINGH PRASAD, M A, M R.A.S.

The Hon'ble MR. W. H. COBB, I C.S.

The Hon'ble MR. W. J. D. BURKITT, I C.S.

The Hon'ble MR. H. W. PIKE, I C.S.

The Hon'ble DR. A. VENIS, M.A., D. LITT, C.I.E.

QUESTIONS AND ANSWERS.

The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state separately the amount of grants given to first class municipalities from the provincial budget within the last ten years?"

The Hon'ble MR. PIM replied:—

"A statement giving the information required by the honourable member is placed on the table"

(See Appendix I.)

The Hon'ble MUNSHI MAHADEO PRASAD asked:—

"Will the Government be pleased to state separately the amount of money spent by the first class municipalities under the head 'Other works, construction' from their own revenues?"

The Hon'ble MR. PIM replied:—

"A statement giving the information required is placed on the table"

(See Appendix II.)

The Hon'ble MUNSHI MAHADEO PRASAD asked:—

"Will the Government be pleased to state how many district boards have got non-official secretaries in these provinces?"

QUESTIONS AND ANSWERS.

[*Mr Pim ; Munshi Mahadeo Prasad, Dr. Venis.*]

The Hon'ble MR PIM replied :—

"The honourable member has explained that by the term non-official secretaries he means members of the board who work as honorary secretaries

"Hamirpur, Sultanpur, Kheri and Benares have non-official secretaries of this type and Ghazipur has a secretary who is a deputy collector with three non-official joint secretaries in charge of separate departments who are members of the district board "

The Hon'ble MUNSHI MAHADEO PRASAD asked :—

"Will the Government increase the number of such secretaries in view of the fact that the district boards have generally got official chairmen?"

The Hon'ble MR. PIM replied :—

"Secretaries of district boards are appointed by the boards themselves and it is open to them to appoint non-official secretaries, if they wish to do so. Except in small or otherwise exceptional districts such as Benares and Hamirpur the work of secretary to a district board can only be properly carried out by a gentleman who could regularly devote several hours of the day to the work.

"While the Government would be glad to see an increase in the number of non official workers it is to be feared that the number of gentlemen competent to carry out the duties of the post and also possessed of the necessary leisure is not large, more especially as the work of district boards is now likely to show a considerable expansion."

The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to furnish comparative annual statements for five years of the rustication of schoolboys in each division, giving the period and offence for each rustication?"

The Hon'ble DR VENIS replied —

"Complete figures for five years are not available, but a statement showing the required information for the last four years is laid on the table."

(See Appendix III)

The Hon'ble MUNSHI MAHADEO PRASAD asked .—

"Is the Government aware that several keen educationists, some of whom are members of the Indian Educational Service, do not approve of a general policy of rustication?"

The Hon'ble DR VENIS replied .—

"The advisability of rustication is a matter about which there is no doubt some difference of opinion"

The Hon'ble MUNSHI MAHADEO PRASAD asked :—

"Is the Government aware that for want of definite and specific instructions for punishing school boys, rustication is resorted to more largely than it should be?"

THE Hon'ble DR. VENIS replied .—

"The Government has no reason to believe that the facts are as suggested. Only 1.3 boys per thousand of the total Anglo-Vernacular school population are rusticated on the average per year. This percentage is low, the number of cases of rustication is almost stationary, and to judge from the reported case, the punishment was well deserved."

The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to call for the opinions of distinguished educationists in these provinces, both Europeans and Indians, on the question of punishment of schoolboys in general and circulate the same among teachers for their guidance?"

The Hon'ble DR. VENIS replied :—

"The question of punishments was considered among other subjects in 1906 by the Committee appointed to revise the Educational Code before its final issue. The

QUESTIONS AND ANSWERS.

[*Munshi Mahadeo Prasad, Mr. Burkitt, Dr. Venis, Babu Brijnandan Prasad, Mr. Tweedy, Lala Sukhbir Singh, Mr. Burn.*]

Committee, which was composed of distinguished educationists, was thoroughly competent to deal with the subject. Its proposals were further carefully considered by Government and have been incorporated in the Code. There does not therefore appear to be any necessity for adopting the course suggested by the honourable member."

The Hon'ble MUNSHI MAHADEO PRASAD asked.—

"Is the Government aware that since the discontinuance of inter-school tournaments, the zeal for physical exercise among schoolboys has greatly diminished? Is the Government prepared to suggest any remedy for this?"

The Hon'ble MR. BURKITT replied.—

"(1) The answer to the first part of the question is in the negative.

(2) As to the second part the honourable member is referred to the Director of Public Instruction's Circular No. 4 of 1911-12, a copy of which is laid on the table."

(See Appendix IV.)

The Hon'ble MUNSHI MAHADEO PRASAD asked.—

"Will the Government be pleased to state what is the number of Indian Professors in these provinces who hold degrees of British or Continental Universities and what the highest salary is that they are receiving?"

The Hon'ble DR. VENIS replied.—

"A statement giving the information asked for is laid on the table."

(See Appendix V)

The Hon'ble MUNSHI MAHADEO PRASAD asked.—

"Will the Government be pleased to state the number of pre-emption suits relating to non-agricultural and non-revenue paying tenants filed and decreed separately within the last five years in each judgship in these provinces?"

The Hon'ble MR. BURKITT replied.—

"As separate statistics for different classes of pre-emption suits are not available the Government regrets it is unable to supply the information asked for."

The Hon'ble BABU BRIJNANDAN PRASAD asked.—

"Will the Government be pleased to state what officer made the preliminary inquiries and what officer made the actual assessments as to income tax in the Bareilly City last year? Were any assessors associated with him, and if so, who they were and how they were selected?"

The Hon'ble MR. TWEEDY replied.—

"The proposals for assessment of income tax in Bareilly City were framed last year by the tahsildar of Bareilly and finally announced after scrutiny by the sub-divisional officer and the Collector. No assessors were associated with the tahsildar."

The Hon'ble LALA SUKHBIR SINGH asked.—

"Will the Government be pleased to state whether it is under their contemplation to exclude the Government treasurers from the designation of an "official" and, if not, will the Government be pleased to move the Government of India in the matter?"

The Hon'ble MR. BURN replied.—

"The honourable member is referred to the answer given to a similar question asked by the Hon'ble Rai Bishambhar Nath Bahadur at the meeting of the Council held on the 9th April 1913."

The Hon'ble LALA SUKHBIR SINGH asked.—

"Having regard to the fact that the treasury officials are as a rule transferred every five years while the tahsildars after every two years, which is both troublesome and expensive to them, will the Government be pleased to consider the advisability of raising the period in their case also from two to five years?"

QUESTIONS AND ANSWERS.

[Mr. Pim, Khwaja Ghulam-us-Saqlain, Mr Burkitt, Babu Balak Ram,
Mr Burn]

The Hon'ble MR. PIM replied —

"There is no analogy between the cases of clerks and tahvildars as the latter are the servants of the treasurer. When they are transferred it is from one tahsil to another, not from one district to another. The trouble and expense involved in such a transfer are practically negligible and Government sees no reason for altering the rule"

The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

- "(a) Have the issues of the *Advocate* of 20th March 1913, and the *Leader* of the 27th March 1913, referring to the offered pardon of the convict Meeran been brought to the notice of the Government ?
- (b) Is it a fact that Meeran, who was imprisoned for 20 years, has been offered a free pardon on condition of his implicating other persons ?
- (c) Is it a fact that in 1912 or thereabouts twelve cases started by the Criminal Investigation Department in Lucknow have been acquitted ?"

The Hon'ble MR. BURKITT replied —

- "(a) Yes
- (b) No.
- (c) The Government does not know to which cases the honourable member refers"

The Hon'ble BABU BALAK RAM asked —

"Has the attention of the Government been drawn to rules 1(b) and 11 of the rules as to qualifications of electors and of candidates for election as members of district boards in the United Provinces, printed at pages 46 and 47 of the District Board Manual, omit regulations in regard to the following particulars ?

- "(1) No minimum amount of Government revenue or rent or income tax payable by an elector or a candidate for membership is laid down in them.
- (2) Nor is the minimum amount of income enjoyed by such persons to be found in them
- (3) The said rules make persons having a mere residence in the district but not owning any landed property therein eligible for electorship and membership of district boards.

"Will the Government be pleased to say whether it has in contemplation the revision of the rules referred to in the preceding question ?"

The Hon'ble MR. PIM replied —

"The Government are aware that the present rules included in the District Board Manual dealing with the qualifications of electors and of candidates for election do not lay down the criteria referred to by the honourable member.

"The question of revising the rules is under the consideration of the Government and the points referred to will be fully weighed."

The Hon'ble BABU BALAK RAM asked —

"Has the Government taken any steps for the reservation of pastures and grazing grounds for cattle in rural areas as recommended by the Cattle Conference lately held under the orders of the Government ?"

The Hon'ble MR. BURN replied —

"The resolutions which relate chiefly to the question raised by the honourable member are nos. 5, 6, 7 and 8. Resolution no 5 related to specific proposals for alterations of the conditions under which grazing is allowed in particular forest areas. All of these were carefully considered in consultation with the officers of the Forest department and the Members of the Conference, who had raised the questions were informed of the result of the inquiries. Resolution no. 6 deals

QUESTIONS AND ANSWERS.

[Babu Balak Ram, Mr Wood]

with a proposal to ensure preservation of grazing grounds by remitting land revenue, by assessing a penal rate if the conditions were broken, and by giving the zamindars the right to charge fees for grazing. Resolution no 7 referred to the question of legislation for compulsory reservation of grazing lands in villages. A majority of the Conference were in favour of such legislation in cases where waste land was not available, but by a majority it was thought that legislation should not be undertaken to throw land out of cultivation or to set aside land for fodder crops. These resolutions were considered by Government in consultation with the Board of Revenue which obtained the opinion of local officers. Experimental arrangements had been made by which certain landowners in districts where large areas are still available for grazing, should reserve an area of 83,500 acres in return for a reduction in revenue. The decision finally arrived at was that the result of this experiment should be awaited. It was held that in closely cultivated tracts it would be a mistake to throw land out of cultivation and to convert it into a grazing ground, while under cultivation land generally affords more sustenance to cattle than it would, if under grass. Moreover, such a step would involve complicated legislation and would cause friction between landlords and tenants. Since the conference was held whenever rules regulating grazing in Government forests or in the Talai and Bhabar estates have come under consideration the question of securing reasonable facilities has been prominently borne in mind. As regards the rest of the provinces, the attention of the honourable member is invited to Resolution no 348, dated 26th August, 1912. An officer has been appointed to inquire into the possibility of afforestation in all parts of the provinces. A prominent feature of this inquiry is the provision of grazing and fodder for cattle."

The Hon'ble BABU BALAK RAM asked —

"Has the attention of the Government been drawn to the great inconvenience caused to the passengers, especially old men, women and children, travelling by Allahabad-Fyzabad railway for want of raised platforms on the said line and will the Government be pleased to direct the attention of the railway authorities concerned to remove this defect?"

The Hon'ble MR WOOD replied —

"The attention of Government has not been drawn to the inconvenience referred to

"It is not within the jurisdiction of this Government to direct the railway authorities to remove the alleged defect, but as the Lieutenant-Governor considers that raised platforms are necessary for the convenience of travellers, the Railway Board will be asked to take such steps in the matter as may be considered desirable."

The Hon'ble BABU BALAK RAM asked —

"(a) Has the attention of the Government been drawn to the fact that owing to the running of only two up and two down trains on the Allahabad-Fyzabad Oudh and Rohilkhand Railway line with bad stock, their rate of speed and hours of departure and arrival, much inconvenience is felt by the travelling public and that the Government Gazette, the Pioneer, letters, &c., reach Fyzabad from Allahabad (a distance of 98 miles only) much later than they reach Lucknow (a distance of 144 miles)?"

(b) Will the Government be pleased to direct the attention of the railway authorities concerned to remove the inconvenience by having one more up and one more down trains of faster speed with better stock and more convenient timings?"

QUESTIONS AND ANSWERS

[Mr Wood, Dr. Tej Bahadur Saprū, Mr. Burkitt.]

The Hon'ble MR WOOD replied —

“(a) The reply is in the negative.

(b) This Government is not empowered to take any action in the manner suggested by the honourable member but as the convenient timing of trains seems desirable, the matter will be referred to the Railway Board for necessary action

“In connection with questions relating to railways which are put at Council meetings the attention of the honourable members concerned is drawn to the explanation given by the Lieutenant-Governor at the Council meeting of the 1st August, 1912, which is as follows —

‘As a number of questions have been put in this Council indicating a misapprehension of the position of the Local Government towards the railway systems in the United Provinces, the Lieutenant-Governor thinks it desirable to explain that he has no direct authority over the management of railways.’”

The Hon'ble DR TEJ BAHADUR SAPRŪ asked —

“(a) Has the attention of Government been drawn to the judgement of Mr Austin Kendall, Sessions Judge of Cawnpore, upon a reference made under section 123 of the Code of Criminal Procedure in the case of Mathura Parshad originally tried by Maulvi Muhammad Fazal Ahmad, Magistrate, First Class, of Fatehpur published in the *Leader* of the 30th of March, 1913 ?

(b) With reference to the observation of the Sessions Judge that the procedure of the Magistrate was ‘improper, biased, unsystematic and vexatious’, what steps does Government propose to take in the matter ?

(c) Will Government be pleased to inquire why the trial of Mathura Parshad took eighty-eight days as pointed out by the Sessions Judge, and why ‘the witnesses for the prosecution over eighty in number were apparently produced in such numbers, and on such dates, as the Sub-Inspector of Husanganj chose, and they were examined in chief and presumably sent away between 29th March and 8th May, and were called in again from the 15th to the 23rd May for cross-examination’ ?

(d) Will Government be pleased to inquire why Sub-Inspector Bhagwan Sahai of the Banda District was, as stated by the Sessions Judge in his judgement, present in Husanganj and Fatehpur from 19th March, the date of Magistrate's order till 9th April, staying in the Thana and not going in the villages ? Had the said Sub-Inspector been sent for by the Superintendent of Police of Fatehpur District in connection with the case of Mathura Parshad ? ”

The Hon'ble MR BURKITT replied —

“(a) The answer is in the affirmative

(b), (c) and (d) The records of the case are at present before the High Court. When the orders of the High Court are known, the Government will consider the propriety of making further inquiries ”

The Hon'ble DR TEJ BAHADUR SAPRŪ asked —

“Will the Government be pleased to state whether (1) its attention has been drawn to a letter signed ‘SR’ which appeared in the *Leader* of February 6th, 1913, and (2) whether it is true as stated therein that a bench of honorary magistrates, consisting of two brothers and a contractor in their estate has been appointed in Partabgarh, and (3) whether it will be pleased to alter the constitution of that bench ?”

QUESTIONS AND ANSWERS.

[*Mr. Burkitt, Rai Ganga Prasad Varma Bahadur; Mr. Pim*]

The Hon'ble MR BURKITT replied —

"(1) The answer is in the affirmative,

"(2) The bench is composed of—

1 Shaikh Kifayatulla,

2. Rai Sat Narayan Pal Singh.

3 Rai Amarpal Singh

"The two latter are brothers

"It is incorrect to say that Shaikh Kifayatullah is a contractor in their estate. By inheritance from his father he holds a permanent subordinate interest in a village owned jointly by Rai Amarpal Singh and the Raja of Partabgarh

"(3) The constitution of the Bench was settled after careful consideration and the Government does not propose to take action as proposed "

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked :—

"Will the Government be pleased to state if it has received a memorial from the inhabitants of Sitapur objecting to certain proposals made by the municipality of Sitapur relating to changes in the system of municipal taxation found necessary by the abolition of octroi? In view of the contribution which the Local Government has resolved to make to the municipality of Sitapur in order to enable it to meet the deficit on account of the abolition of octroi, will the Government be pleased to direct the municipality of Sitapur to recast its system of taxation with due regard to the wishes of the inhabitants?"

The Hon'ble MR. PIM replied —

"The Government have received two memorials from Sitapur, one suggesting alternative forms of taxation and the other asking for the retention of octroi. The Lieutenant-Governor has considered them carefully and sees no reason for altering the system of taxation proposed by the municipal board which appears to have been worked out with due regard to the local conditions.

"The contribution referred to by the honourable member will not affect the system of taxation. As explained at the meeting of Council on March 13th it is strictly non-recurring and is only intended to assist the boards during the transition stage from indirect to direct taxation until they are able to equate their normal income and expenditure "

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Has the Government of India communicated its orders on the subject of the abolition of octroi duty in the larger municipalities? If so, will the Government be pleased to state by what time the boards are likely to be asked to make necessary changes in the system of taxation?"

The Hon'ble MR PIM replied —

"The orders of the Government of India have been received. The municipal boards of Dehra, Saharanpur, Meerut, Chandausi, Moradabad, Shahjahanpur and Hathras have been directed to prepare schemes for replacing octroi by a light terminal tax supplemented as far as may be necessary by direct taxation; a scheme has also been drawn up for Banda

"It is not possible to fix any time at present within which all the remaining municipalities will be asked to change their system of taxation "

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"(a) Has the Government noticed complaints that visitors to Gurukul on the last anniversary were put to great inconvenience owing to the crowded conditions of the trains to Hardwar? (b) Will the Government be pleased to inquire of the Oudh and Rohilkhand administration what was the number of intermediate and second class return ticket coupons collected at Jwalapur and Hardwar railway stations on the 19th, 20th and 21st March last? (c) What was the extent of

QUESTIONS AND ANSWERS.

[*Mr. Wood, Rao Ganga Prasad Varma Bahadur, Mr. Baillie, Babu Brijnandan Prasad*]

accommodation in the trains for passengers travelling by these classes on the said dates? (d) Will the Government be pleased to enquire whether any special arrangements were made for passengers to make return journey on the 22nd and 23rd of March?"

The Hon'ble Mr. Wood replied:—

"The reply to (a) is in the negative. The Agent, Oudh and Rohilkhand Railway, states that the Governor of the Gurukul has expressed entire satisfaction with the arrangements. (b) The number of intermediate and second class tickets collected at Jwalapur and Hardwar Railway stations were as follows:—

| | | | | | | | |
|------------|-------|--------|-------|-----|-----|-----|-----|
| 19th March | Inter | Second | class | ... | .. | ... | 800 |
| | | | | | | | 17 |
| 20th | " | " | " | ... | ... | .. | 655 |
| | | | | | | | 80 |
| 21st | " | " | " | ... | .. | | 398 |
| | | | | | | | 48 |

(c) The following accommodation was provided:—

| | | | | | |
|------------|-------|--------|------------------------|-----|------|
| 19th March | Inter | Second | class seating capacity | . | 504 |
| | | | | | 522 |
| 20th | " | " | " | .. | 1878 |
| | | | | | 410 |
| 21st | " | " | " | ... | 558 |
| | | | | | 256 |

"On one date, the 20th, Inter. class accommodation was somewhat overtaxed, but accommodation was found for all by allowing the balance to travel in 2nd class.

(d) Special arrangements were made as follows on the 22nd and 23rd March:—

- (1) All trains on these dates were made up with extra stock to their full carrying capacities.
- (2) On the 23rd March No. 42 Down Mixed was run through to Saharanpur.
- (3) On the 22nd March one special was run from Haidwar to Saharanpur.
- (4) On the 23rd March three specials were run from Hardwar to Saharanpur.

"On neither of the above dates was there any difficulty experienced in clearing passengers."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked:—

"Is the Government aware that it is the practice with some tahsildars in the Unao district to issue citations to zamindars calling upon them to pay arrears of revenue and to insist upon their attendance in court even when in compliance with the citations all arrears have been paid? Is it a fact that zamindars failing to attend the courts of tahsildars are served with a notice to show cause against such failure? Is the practice regular?"

The Hon'ble Mr. BAILLIE replied:—

"The Lieutenant-Governor has no information on the subject, but will have inquiries made. The practice of calling on zamindars to explain their failure to attend when they have paid all arrears is generally unnecessary and the Board of Revenue will issue instructions to have it stopped."

The Hon'ble BABU BRIJNANDAN PRASAD asked:—

"Will the Government be pleased to state how many civil assistant surgeons and how many military assistant surgeons of less than ten years' service have acted or officiated as Civil Surgeons (not merely as in additional civil medical charge) from 1905—1912? What was the military service in case of the latter before their civil employ?"

QUESTIONS AND ANSWERS.

[*Col Manifold, Babu Brijnandan Prasad, Mr. Burkitt, Mr. Pim*]

The Hon'ble COLONEL MANIFOLD replied —

"From 1905 to 1912, except for three military assistant surgeons, who were placed at the disposal of this Government temporarily for plague duty and whose services were utilised as a temporary measure for district charges, there has been only one instance of a military assistant surgeon of less than ten years' service acting or officiating as civil surgeon. He had 6½ years' service before he joined these provinces. During the same period no civil assistant surgeon of less than ten years' service was appointed."

The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Is there any restriction as to length of service in case of Civil Assistant Surgeons before they can be put in charge of jails? If so, whether there is the same or similar restriction in case of Military Assistant Surgeons? If not, will the Government be pleased to state the reasons for the difference in treatment? Is there any difference as to qualifications for admission into the Medical College or the period of education or probation?"

The Hon'ble COLONEL MANIFOLD replied :—

"The existing rules provide that an Assistant Surgeon under 10 years' standing cannot be placed in charge of a jail. They do not discriminate between Civil and Military Assistant Surgeons. The qualifications for admission of Civil Assistant Surgeons into the Medical College, and the period of their education, are given at pages 2 and 5 of the prospectus of the King George's Medical College for 1913-14, while those relating to Military Assistant Surgeons are given at pages 1, 2 and 3 and Appendix E of the prospectus relating to the Indian Subordinate Medical Department. Copies of these papers are laid on the table."

The Hon'ble BABU BRIJNANDAN PRASAD asked :—

"Is it a fact that when in case of an I. M. S. Jail Superintendent going on leave a Magistrate is put in executive and administrative charge of the jail and the assistant surgeon in medical charge, the jail allowance goes wholly to the Magistrate? Will the Government be pleased to consider the propriety of dividing the allowance between the two or to provide that the assistant surgeon may be put in executive charge also in such cases?"

The Hon'ble MR BURKITT replied —

"Jail allowance is for the performance of duties connected with the executive charge of a jail. The medical charge of the jail is part of the ordinary duties of the civil surgeon or assistant surgeon, for which no special allowance is granted."

"An assistant surgeon of 10 years' standing who is in medical charge of the district is eligible for appointment to executive charge of the jail."

The Hon'ble BABU BRIJNANDAN PRASAD asked :—

"(a) Will the Government be pleased to state in what districts have district gazettes been started as suggested by Government some years ago? Have they been found useful and have they been appreciated by the public? Have they proved to be successful ventures pecuniarily? If so, will the Government be pleased to draw the attention of other district boards to the advisability of starting district gazettes?"

(b) Is it a fact that a proposal to start a district gazette was lately rejected at Hardoi? If so, on what grounds?"

The Hon'ble MR PIM replied :—

"(a) District gazettes have been started in the districts of Fyzabad, Sultanpur, Rae Bareilly, Dehra Dun and Aligarh. They are reported to have been found useful and to have been appreciated by the public in the districts of Aligarh and Rae Bareilly and in the Aligarh district the

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RESOLUTION.

[*Mr. Shaikh Shahid Husain, Mr. Burkitt, Dr. Tej Bahadur Saprū*]

financial results have been satisfactory. Elsewhere their popularity has been temporary and they have not been pecuniarily successful. District boards are at liberty to start such gazettes if they are able to make suitable arrangements for carrying them on and the Government will view their action with approval and sympathy.

- (b) It is understood that the question of starting a district gazette in Hardoi was considered but was not carried out mainly because of the difficulty in making suitable arrangements for carrying it on "

The Hon'ble MR. SHAIKH SHAHID HUSAIN asked.—

"Has the attention of the Government been drawn to a note headed 'A remarkable judgement' which appeared in the *Punjabee*, dated the 22nd March 1913, commenting on the conviction of certain sub-inspectors of police in the Rae Bareilly district ?

"Is it the case that the facts set out in the said note are grossly misstated? Will the Government be pleased to state what steps it proposes to take with regard to such false and mischievous publications."

The Hon'ble MR. BURKITT replied.—

"(a) The answer is in the affirmative

- (b) It is the case that the facts have been grossly misrepresented in the note referred to. It is entirely incorrect to say that the circumstances under which the charges were made were identical. In neither case did the victims of the dacoity express suspicion against any person. The two Hindu sub-inspectors were charged under sections 211 and 388 of the Indian Penal Code, the charge under the latter section having reference to the alleged acts of extortion and bribery. One of them was also charged under section 218 of the Indian Penal Code. The Muhammadan sub-inspector was not charged with extortion or accepting bribes. In the case of the two Hindu sub-inspectors the charges of extortion were made with reference to two Muhammadan prisoners, and one Hindu prisoner. The charges in the case of the two Muhammadan prisoners which were supported by the evidence of Muhammadan witnesses was disbelieved by the Judge; that in the case of the Hindu prisoner which was supported by the evidence of Hindu witnesses was believed by the Judge. The assessors believed all three charges. The convictions of the two Hindu sub-inspectors under the other sections were based for the most part on the evidence of Hindu witnesses. It is therefore a gross perversion of the truth to say that while in one case Hindus implicated by Muhammadans were convicted, in the other a Muhammadan implicated by a Hindu was acquitted.

- (c) In view of the public denial which has now been given to the statement in the note referred to and inasmuch as that note carries its own condemnation on its face, the Government does not think it necessary to take any further action "

RESOLUTION

The Hon'ble DR. TEJ BAHADUR SAPRŪ moved.—

"That this Council recommends to His Honour the Lieutenant-Governor that he may be pleased to move the Governor General in Council to take action under section 3, clause (2) of the Indian Councils Act, 1909 (9 Edward 7, chapter 4) to create a Council in the United Provinces for the purpose of assisting the Lieutenant-Governor in the executive government of the said provinces "

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[Dr Tej Bahadur Sapru.]

He said:—

"Last year, when my honourable colleague Pandit Moti Lal Nehru gave notice of a similar resolution, permission was withheld from him, probably because it was not considered expedient to have a discussion on the subject in this Council. I, therefore, consider it a circumstance of some importance as auguring well for this resolution that it has been found possible to allow a discussion on it this year, and before I proceed to lay some considerations on this matter before this Council, I desire to thank Your Honour for having given assent to a discussion of this resolution.

"As honourable members are no doubt aware this question has already formed the subject of discussion in the Imperial Council. I need scarcely say that the defeat of Mr Sinha's resolution in that Council caused an intense disappointment in these provinces, though it must be said that the speech of the late Sir John Jenkins on that occasion made it pretty clear that the question was then shelved and not finally decided. Meanwhile, public opinion on this subject has grown stronger and more pronounced, and it is with a view to place on record that opinion that I have sought this opportunity of bringing up this matter formally before this Council.

"I shall briefly, with Your Honour's permission, review the history of this question, for, it must be borne in mind that it is a question which has a history behind it and not one in the nature of an untried experiment. Indeed, as Lord Morley himself said in discussing this question in his famous despatch on reforms, 'a really new problem, or a new solution is, in truth, surprisingly uncommon in the history of British rule in India, and of the political or administrative controversies connected with it' The first time, therefore, that we hear of this question was so far back as the year 1833, when by an Act of Parliament it was provided to create a presidency of Agra with a Governor in Council of its own. Two years later, another Act was passed suspending the operation of, but not repealing, the earlier Act of 1833 and providing for the appointment of a Lieutenant-Governor. Nearly twenty years later, that is to say, in the year 1853, when the charter of the East India Company came to be renewed, it was intended to form the province of Bengal into a presidency with a council government and also to create a new presidency of like character. Unfortunately, nothing practical was done at the time. The question of Executive Councils was again considered during the time of Sir John Lawrence, with special reference to Bengal, and, while distinguished officials like Sir Bartle Frere, Sir Henry Maine and Sir William Grey favoured the creation of an Executive Council, Sir John Lawrence and Sir William Muir lent the weight of their authority to the opposite view. It is understood that the matter again was considered in 1888 and, perhaps, also during the time of Lord Curzon, but whatever may have been the trend of official opinion in comparatively remote times, the view that I am putting forward before you has received a new accession of strength during recent years. The Decentralization Commission gave their unequivocal support to the proposal of creating Executive Councils in Bengal and the United Provinces, and, indeed, they went a step further when they suggested the appointment of a Governor. 'On administrative grounds and as a means of promoting decentralization,' say the Commissioners, 'we are, therefore, in favour of this system.' But more than all this, we have the most clear pronouncement of Lord Morley himself. Honourable members are well aware that when the new Councils Act was introduced in Parliament, it was originally intended to create an Executive Council at once under the new Statute. But, to our misfortune, opposition was raised to clause 3 of the bill and that opposition prevailed. This may be said to be the official history of the question

RESOLUTION

[*Dr. Tej Bahadur Sapru*]

and, if it were necessary for me to supplement it further by citing any other high authority, in support of my proposition, I would only refer to the weighty opinion of that experienced and cautious administrator, Sir George Chesney in his 'Indian Polity.'

"But, Sir, I may be asked, perhaps, to show that public opinion in these provinces also demands it. Indeed, during the debate in the Supreme Council the Hon'ble Mr. Holms, our official representative, said that there was 'a considerable body of educated opinion—the opinion of men of position and standing—which recognized the advantages, for the present, of a more personal form of government.' Now, what that 'considerable body of educated opinion' may be which Mr. Holms had in mind, I confess I do not know. But this much I know that the expressed opinion of all Indian schools of political thought in these provinces is emphatically agreed in demanding an Executive Council. I need scarcely refer to those of us, who, like myself, belong to the Congress school, and who have been demanding this reform year after year in the Congress and the Provincial Conference, but I will particularly refer to politicians of the Muslim League, who were at one time supposed to disfavour this idea, but who, to our intense satisfaction, have openly and clearly expressed themselves in favour of the reform I am urging. Indeed, a leading Muhammadan gentleman, Nawab Muzzammil-ullah Khan, in his evidence before the Royal Commission upon Decentralization, supported this idea, in common with the Hon'ble Pandit Sundar Lal, the Hon'ble Munshi Ganga Prasad Varma, the Hon'ble Pandit Madan Mohan Malaviya, and the late Rai Bahadur Lala Nihal Chand. As regards the opinion of the taluqdars, to which so much reference was made during the passage of the Indian Councils Bill in the House of Lords, I need only say that their representative in the Viceroy's Council, the Hon'ble Raja Partab Bahadur Singh of Partabgarh, gave his unqualified support to Mr Sinha's resolution and considered the establishment of an Executive Council to be an urgent necessity. And I trust, Sir, that any doubts on this subject with regard to their attitude may be dissipated in the course of the day. I am, therefore, entitled to maintain that so far as articulate public opinion is concerned, that is wholly in support of my proposition.

"But, apart from all these matters, I ask, why should we not get an Executive Council? In point of population we now stand first in India. Our system of administration in other respects is practically the same as that of Bengal. We pay the largest amount of land revenue. Higher education is fast developing, and in course of time it may be hoped that it will develop still further. I see, therefore, no reason why we should be relegated to the position of a backward province so far as the form of our government is concerned. Surely Madras and Bombay were not what they are to-day when they got executive councils, and I am reluctant to believe that Bihar is politically or educationally more advanced than we are. I may again be asked why I lay so much stress upon the council form of government. Sir, I shall not venture to intrude my personal opinion, when I know that distinguished public men and statesmen have declared themselves in favour of this form of government. I shall content myself by referring in the first instance to what Mill wrote in his book on Representative Government with special reference to India. Speaking of Executive Councils he said that 'this mode of conducting the highest class of administrative business is one of the most successful instances of the adaptation of means to ends which political history, not hitherto very prolific in works of skill and contrivance, has yet to show. It is one of the acquisitions with which the art of politics has been enriched by the experience of the East India Company's rule.' Again, Mr Hobhouse, fresh from his experience as President of the Decentralization Commission, delivered himself as follows in

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[*Dr. Tej Bahadur Sapru ; Munshi Narsingh Prasad.*]

the House of Commons :—‘An Executive Council gives the chance and—I do not think it ought to have or needs more than a chance—for a continuity of policy in provincial government which the executive authority of the Lieutenant-Governor cannot possibly afford. The governor passes away, and his successor arrives with totally different views on all sorts of questions of local importance. but if he arrives, not a single autocrat, however benevolent or well-intentioned, but as one, if the most important, of three or four colleagues, he receives, and is glad to receive, an indication of the policy of his predecessor and the reason for which he considered it necessary or desirable to carry out that policy.’ If I refrain on this occasion from dwelling on the relief which the head of the Government will get by being associated with three responsible and experienced colleagues, it is because I know—and because everybody knows—that there is nothing in which Your Honour revels more than work and more work. I cannot do better than sum up the advantages of this form of government in the words of the Decentralization Commission. They are :—

- ‘(i) Provision for suitable distribution of work and relief to the head of the province.
- ‘(ii) Greater continuity of policy, collective consideration of important questions, increased public confidence, and, consequently, less necessity for outside official control.
- ‘(iii) Greater efficiency of the provincial governments in relation to their Legislative Councils’

“And, lastly, Sir, I come to what has been described as the interesting and interested motive for the cry for an Executive Council. It has been said that the main reason why we want an Executive Council is that it will enable one Indian to get into the inner circle of the Government. If the charge is none graver than this, then I willingly plead guilty to this soft impeachment. Lord Morley himself, in the despatch which I have referred to, said that ‘one at least of the members of the Executive Council should be an Indian.’ The experiment has already been tried in other provinces and from all accounts that we have, I submit Sir, that it has proved eminently successful. I, for my part, do not share the views of those who would belittle Indian talent, Indian capacity, or Indian character. It must be the proud privilege of every qualified Indian to serve his King and his mother-country, and, the greater the opportunities and facilities for such service, the greater will be the confidence in the Government, and the greater the gain to both England and India. At any rate, I trust and hope that a liberal-minded ruler like Your Honour will welcome the association of an Indian Colleague and the division of responsibility with him. I trust, Sir, that this resolution of mine, which embodies a genuine popular demand, and which seeks to bring the administration one step nearer the constitutional form of government, may be accepted by Your Honour and your Government and that your administration may be signalized by the introduction of a reform which is as just as it will be useful and beneficial both to the Government and to the people.”

The Hon'ble MUNSHI NARSINGH PRASAD said :—

“I beg to support the resolution that has been so ably moved by my friend, the Hon'ble Dr. Tej Bahadur Sapru. The resolution is of vital importance to our provinces, which in point of antiquity, historical associations, area, population and revenue are much ahead of the sister Provinces of Bombay, Bengal, Madras and Bihar and Orissa. It is now too late in the day to question the utility or necessity of an Executive Council for these provinces, when we remember that His Imperial Majesty was pleased himself to announce at the Delhi Darbar a Council Government

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[Munshi Nar Singh Prasad]

for the infant province of Bihar and Orissa which is in no way equal, but is in many respects inferior, to our province. Of the major provinces ours are the only provinces which still continue under the old form of administration by a single Lieutenant-Governor, unaided by a Council. The Council must be familiar with the history of the creation of Executive Councils in this country, and I do not wish to take up its time by reminding it of the various stages through which the measure, so far as it relates to our Provinces, has passed. Nor do I wish to enumerate the causes that have led up to the unfair treatment of the United Provinces in this matter. Long ago we were promised an Executive Council, but that promise has remained unfulfilled too long, and it is high time, now that we have in Your Honour a liberal-minded administrator who has due regard for popular opinion in this matter, that a Council Government should be established in these provinces.

"The benefits accruing to us from the creation of an Executive Council will be many indeed. In the first place it will lead to greater efficiency of administration. The amount of business to be gone through in these provinces is beyond the capacity of a single Lieutenant-Governor to deal with properly, and his Secretaries are overworked and overburdened with the volume of correspondence and the weight of responsibility thrown upon them. The administration of our provinces has become much more complex and difficult than it was before, and greater care and attention is necessary in grappling with the many important problems that are constantly cropping up. It is therefore too much to expect of one man to deal efficiently with the various branches of the administration, with education, commerce, medical relief, the judiciary and the executive, the police, famine, irrigation, agriculture, finance, law, public works and municipal and rural Government. I fully appreciate all the good that our able Lieutenant-Governors have done to the province, but all the same we feel that if the Lieutenant-Governor is assisted by the judgement and experience of three other able men, the Government will be able to promote the well-being of the province in a far better way. If the head of the Government is aided by a Council, it will greatly lighten his burden and relieve him of much routine work. He will then have more time for supervision and for mixing with the public, which will enable him, in a larger measure than now, to find out the real state of affairs for himself.

"The next advantage that would accrue from the creation of an Executive Council is that it will lead to a continuity of policy. Experience shows that the policy of the Government too often changes with the change of a Lieutenant-Governor, and both efficiency in administration and real progress suffer when policies deliberately laid down at one time are changed a few years after. If we had a Council Government, the advancement of our provinces will be much better assured and there will be greater systematic progress all round.

"It is useless for me to narrate to the Council the advantages of an Executive Council. The principle has been recognized by the creation of such Councils in the other provinces, and the Royal Commission on Decentralization also expressed itself very strongly in favour of it. The only question is whether we here should also have it or whether we should remain without it as before. I am unable to see any reason why the same benefits as have been conferred on the other provinces should not be extended to us also.

"Perhaps it will be thought that the proposal for the creation of an Executive Council is actuated by the motive that an Indian will be appointed as one of its members. Sir, I do not wish to conceal the fact that this sentiment plays some part in the desire of the educated community to ask for Council Government. But that is not the sole motive. The real motive is the attainment of efficiency in administration.

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[*Khwaja Ghulam-us-Saqlain, Rar Bishambhar Nath Bahadur.*]

and of a continuity of policy And if along with this the admission of an Indian member into the Council is brought about, it will be a very good thing, because the Government will then be in a position to know and realize the feelings of the Indian community on any question that comes up before it The Government will thus be saved from many a mistake which is sometimes committed from mere ignorance and want of information It will also be a concession to public opinion, such as will not hamper the Government in its work but will serve as a safeguard against mistakes and be of real assistance to the Government in the onerous duties of governing a people whose ideas, manners and ways of thinking are different from those placed above them to carry on the administration

"With these words I beg to support the resolution"

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN said —

"I have the greatest pleasure in supporting the resolution moved by the Hon'ble Dr Tej Bahadur, not because I think it will bring in a millennium but because it would raise the status of Indians and the people of these provinces This is a question on which, whatever may be our differences in other matters, all Hindu and Muhammadan members are united, and I believe all enlightened Europeans also would support us, because, after all, of all the major provinces, this is the only province which remained perfectly loyal and quiet during the late disturbances; not even one life was lost or one person was even wounded. If for nothing else, then only as a reward for our loyalty this Executive Council should be granted.

"The Honourable mover has mentioned the speech of an honourable member of the Viceregal Council connected with this province, who said that the people like to have a personal government Even if that was the case, when Your Honour has able persons to assist you, the enormous amount of work which Your Honour has to perform will be materially lightened, and the head of the Government will have more time to meet with Indian gentlemen and be more in touch with public sentiments

"I would like to deal at large with this question, but I do not wish to inflict too big speeches in one day on this Honourable Council and I may have soon to ask Your Honour for a few minutes when I speak later on the Budget"

The Hon'ble RAI BISHAMBHAR NATH BAHADUR said. —

"I have much pleasure in supporting the resolution which has been so ably moved by my learned friend the Hon'ble Dr. Tej Bahadur Sapru Nearly two years ago the subject was discussed in the Supreme Council, and for various reasons, the unwillingness of the then Head of our provinces being one of them, the proposal to appoint an Executive Council in our provinces could not be adopted But since then the circumstances have changed A new province has been created in our neighbourhood which has been blessed with a council government from its very birth. There is no reason, therefore, why our provinces, much older than Bihar and in area and population as well as in other respects not inferior even to Bombay and Madras, should not be allowed to have an Executive Council.

"To withhold the privilege of council government from us becomes still more unjust and regrettable when we see that so far back as in 1833 the Province of Agra was granted by a Charter Act a Governor and a Council composed of 3 members. The provisions of this Act have not been repealed, but held only in abeyance. Since 1833 the Province of Oudh has also been annexed to that of Agra, and, to quote the words of the Centralization Commission, 'with the development of administration in all its branches, the growth of important industrial interests, the spread of education and political aspirations and the growing tendency of the public to criticize the administration and to appeal to the highest executive tribunal, the Lieutenant-Governors of the larger provinces are clearly

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[*Lala Sukhbir Singh, Munshi Mahadeo Prasad, Raja Shyam Rikh ; Raja Kushalpal Singh*]

overburdened'. In face of these views of the Decentralization Commission and their recommendations on this subject, it is needless for me to enumerate the advantages accruing to our Provinces from an Executive Council, which will of course include an Indian amongst its members. The policy of the Government will not only be more stable and continuous but will inspire greater confidence in the people.

"Sir George Chesney observed rightly in 1895 — 'In regard to administration, the charge (the United Provinces) is as important as Bengal, it comprises 49 districts as against 47 in the latter, nearly twice as many as in Bombay, and more than thrice the number of districts as in Madras, and every consideration which makes for styling the head of the Bengal Government a Governor, applies equally to this great province. Here also, as in Bengal, the Governor should be aided by a Council. The amount of business to be transacted here is beyond the capacity of a single administrator to deal with properly, while the province has arrived at a condition when the vigour and impulse to progress which the rule of one man can impart may be fully replaced by the greater continuity of policy which would be secured under the administration of a Governor aided by a Council.'

"A word more and I have done. Hindus and Muhammadans, Rajas and Rayats of these provinces seem unanimous in their demand for an Executive Council, as is amply proved by the protest meetings of all classes of people which were held only a short time ago when section 3 of the India Bill of 1909 was deleted.

"I heartily support therefore the resolution, which I hope will commend itself to Your Honour's acceptance."

The Hon'ble LALA SUKHBIR SINGH said —

"This resolution has been so ably moved by the learned mover that it requires only a few words in support. When Madras, Bombay and even a smaller province like Bihar have got an Executive Council, there seems to be no reason why we should not have it. This question has been discussed on many platforms, and so far as I find public opinion is in its favour. I think it will help the Government very much in the efficient administration and prove useful in all respects. Therefore I support this resolution and hope that Your Honour will kindly give a favourable consideration to it."

The Hon'ble MUNSHI MAHADEO PRASAD said —

"I beg to support the resolution that has been so ably moved by my learned friend Dr. Tej Bahadur Sapru. I would simply submit in supporting the resolution that it is a subject which has been advocated in the presidential speech at the Indian National Congress as well as in the speech of the president of the Muslim League, and by a party of eminent persons whose names have been mentioned by the learned mover. With these few remarks I would recommend the resolution for favourable consideration."

The Hon'ble RAJA SHIAM RIKH said —

"In supporting the resolution of the Hon'ble Dr. Sapru I wish to say that the time has come for our provinces to have an Executive Council. When provinces much smaller and younger than our own have been given the privilege of an Executive Council our claim to it should now be respectfully urged. We were more backward in point of education before, but I may submit that taking things all round we have lately made a distinct advance in that direction. We do not compare unfavourably with Bihar, which is our neighbouring province. While we have full confidence in Your Honour's Government, we think that the grant of the privilege of an Executive Council would confer a boon without trenching unduly on the finances of these provinces."

The Hon'ble RAJA KUSHALPAL SINGH said :—

"I beg to support the resolution moved by the Hon'ble Dr. Tej Bahadur Sapru. The following extracts from the report of the Royal Commission upon

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[*Raja Kushalpal Singh*]

Decentralization in India clearly show the desirability of the extension of the council form of Government to the United Provinces :—

‘The council form of Government has always existed in the Presidencies of Madras and Bombay, and formerly applied in the old Presidency of Bengal from which the Government of India developed. The original intention was that, as large separate provinces were called into being, this form of administration should be applied to them also. Thus, provision was made by Act of Parliament in 1833 for the creation of a Presidency of Agra with a Governor in Council of its own, and in 1858 for the formation of the then undivided Province of Bengal into a similarly governed Presidency, as also for the creation of a new Presidency of like character. Although these provisions have not been utilized, and the actual step taken was the appointment of Lieutenant-Governors, they have never been repealed, but are merely held in abeyance.’

‘It has been suggested to us, chiefly by non-official witnesses, that it would tend to stability in administration, and enable a larger delegation of power to Local Governments, if council governments were substituted for Lieutenant-Governorships. It was represented that when the Executive Government consists of one man who changes every five years, there is greater likelihood of fluctuations in policy and of the undue operation of personal opinions, and, it may be, personal prejudice.’

‘The question was debated by the Government of India and by the India Council in 1867-8, when the weakness of the then Government of Bengal had been apparent in regard to the Orissa famine, and the Secretary of State had suggested, as a possible remedy, the administration of the province by a Governor in Council, after the model of Bombay and Madras. The resulting discussions were published. On the side of a Governor in Council system were Sir Bastille Frere, Sir Henry Maine, and Sir William Grey, himself Lieutenant-Governor of Bengal; while against it was the then Viceroy, Lord Lawrence, whose most weighty support came from Sir W. Muir. The latter, however, admitted that a Lieutenant-Governor was not in so favourable a position as a Governor in Council for devolution of powers by the Government of India. ‘Where (he said) the whole power of Government rests in a single individual, it is never safe to relax a certain measure of oversight. For, however good a thing it is to have the personal activity and responsibility proper to individual action, you are at the same time liable to personal idiosyncrasies, to an over-zeal or activity in some particular direction, and, sometimes, also, to the prevalence of a crotchet, or (but this rarely) to remissness or unwillingness to grapple with some special question, or perhaps to neglect altogether some special department. Therefore, a certain degree of control is indispensable. With the development of administration in all its branches, the growth of important industrial interests, the spread of education and political aspirations, and the growing tendency of the public to criticize the administration and to appeal to the highest executive tribunals, the Lieutenant-Governors of the larger provinces are clearly overburdened. We have had no evidence that the members of the Council Governments of Madras and Bombay have too little to do, on the contrary, the complaint is that these Local Governments are overloaded with work which might be got rid of by devolution of powers. The population of Bengal and of the United Provinces considerably exceeds that of both Presidencies. *A fortiori*, therefore, Lieutenant-Governors cannot attend to all the work which is supposed to fall upon them, and must delegate to their secretaries—who are often relatively junior officers—the settlement of a variety of matters, which in the case of Madras or Bombay, and analogously in the Government of India, would claim the attention

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[*Rai Shankar Sahai Sahib*]

of the members of Government In so far as this state of things exists, the secretaries are in the undesirable position of exercising power without responsibility.

'The advantages of the establishment of a Council Government, are that it affords —

- (i) provision for suitable distribution of work, and relief to the head of the province.
- (ii) Greater continuity of policy, collective consideration of important questions, increased public confidence, and consequently less necessity for outside official control.
- (iii) Greater efficiency of the Provincial Governments in relation to their Legislative Councils

'We desire to add that this expansion of Provincial Executive Councils would also permit of the strengthening of the administration by the inclusion of specially qualified natives of India'

'In the last edition of 'Indian Polity,' Sir George Chesney advocates the establishment of a Council Government for the United Provinces. He says —

'In regard to administration, the charge (United Provinces) is as important as Bengal It comprises 49 districts as against 47 in the latter, nearly twice as many as in Bombay, and more than thrice the number of districts as in Madras, and every consideration which makes for styling the head of the Bengal Government a Governor, applies equally to this great province Here also, as in Bengal, the Governor should be aided by a Council The amount of business to be transacted here is beyond the capacity of a single administrator to deal with properly, while the province has arrived at a condition when the vigour and impulse to progress which the rule of one man can impart may be fully replaced by the greater continuity of policy which would be secured under the administration of a Governor aided by a Council.'

'The greatest advantage that will accrue to the United Provinces from the establishment of an Executive Council will be the appointment of an Indian as member. The appointment of such a member will strengthen the administration, and bring it into somewhat closer touch with the people.

'When clause 3 was deleted from the India Bill of 1909 by the House of Lords, Muhammadan leaders such as the Nawab of Dacca joined the Hindu leaders in protesting against the deletion of the clause. In opposing the creation of Executive Councils, Lord MacDonnell said. —

'If there is anything which calls for the most careful consideration, for reference to the Local Governments of India, for consultation with important native gentlemen and the large landowners who have a stake in the country it is this question.'

'It is clear, from the division which was taken on Mr. Sinha's motion in the Imperial Legislative Council on the 24th January 1911, that the important Indian gentlemen and the large land-owners openly declared themselves in favour of the creation of an Executive Council for the United Provinces.

'With these few words I recommend this resolution for acceptance by the Honourable Council'

The Hon'ble RAI SHANKAR SAHAI SAHIB said —

'I fully support the resolution so ably moved by the honourable mover It is not a question of to-day or yesterday, but the want of an Executive Council to assist the Lieutenant-Governor in the Executive Government of these Provinces has long been recognized and advocated The United Provinces of Agra and Oudh were so far back as 1833 to be formed into a Presidency with an Executive Council, but the matter was kept in suspense. However, the two provinces came to be united

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[*Rai Ganga Prasad Varma Bahadur*]

together long ago under one Lieutenant-Governor. Their importance in consideration of their population and the contribution they make to the Imperial Revenue is in no way inferior to the other major provinces. The province has got its own University and High Court. The newly created Province of Bihar, which has none of these institutions, has from the very beginning of its constitution, been endowed with an Executive Council, and it strikes one as a peculiar feature of the administration to see one of the oldest and largest provinces to have no such Council at all.

"The province it can not be said with all the education it imparts and the character of the people it has built up, is in any way behind any other province in loyalty, patriotism and intelligence, and it is an anomaly to see that it was not thought ripe for having an Executive Council.

"The Lieutenant-Governor is undoubtedly over-worked with so many branches of administration that it looks impossible to a man of ordinary intelligence to think that he can cope with all of them without a heavy mental and physical strain. I hope the Government will hail the creation of an Executive Council to the Province. Such a Council will render valuable assistance in the Executive Government of the Province and will not only lighten the burden of the Government but will also insure the continuity of the policy of the Government, in which there has been so continuous changes with the change of every new Lieutenant-Governor."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said —

"After the very able and exhaustive speech with which the Hon'ble Dr. Tej Bahadur Sapru has introduced the resolution standing against his name it is not necessary that many words should be said to support the demand which has found expression in the resolution. I only wonder on what grounds can there be any opposition to the legitimate aspirations of the people of these provinces. They want an Executive Council, not because there is any want of confidence in the head of the Government, any doubt about his capacity to carry on single-handed the administration of the province. They do not want the Executive Council simply on the ground that an Indian will occupy a high place in the Councils of the Government, though that in itself would not be an aspiration to be despised. We want council government because we believe that rule by three is much better than rule by one, however benevolent-minded that one man might be. If there were no chance of an Indian being associated with the Executive Council, even then people would have preferred to have a council government because the head of the Government in that case would have been associated with two members of his own service, who had spent their whole life in the province and whose advice in all administrative problems would be a source of strength to the head of the Government. So far the only objection advanced against the proposal is that it will be extremely difficult for the Government to find a suitable Indian member for the Council. Sir, I think, in the light of experience of the appointments so far made in Bengal, Madras, Bombay and Bihar it cannot be said that these provinces cannot furnish men of the calibre who adorn the Executive Councils in the neighbouring provinces. To persist in such an allegation would be an affront to the people of these provinces. There would be no difficulty as far as men are concerned. There may of course be some in financing the scheme, but surely the Government of India which has been pleased to bless the 'baby province' from its very birth with council government will not grudge the grant of a few lakhs of rupees to fulfil the just aspirations of the people of these provinces. It is not at all necessary to say much more on the subject of the resolution having regard to the very sympathetic attitude of Your Honour's Government towards the question. If there was ever any doubt in the mind of the Government of India as to the capability of these provinces having a Council Government it will be removed after to-day's debate on the subject. The Secretary

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[*Sayyid Raza Ali Pandit Moti Lal Nehru.*]

of State, after being informed of the proceedings of to-day's meeting, will have no doubt, if he had ever entertained any, that these provinces do demand Council Government and further deferring of it will cause greater disappointment."

The Hon'ble SAYYID RAZA ALI said:—

"On behalf of my constituency of the Rohilkhand and Kumaun divisions I wish to associate myself with the resolution that has been moved to-day by the Hon'ble Dr Sapru. To me it seems that the question is so very self-evident that it does not require any argument. It may be perhaps that I am prejudiced in that direction. But from the arguments that have been used to-day in support of our having an Executive Council in these provinces it would appear that really a very good case has been made out for our having an Executive Council.

"To begin with, I may be allowed to say that three members' and one Lieutenant-Governor's opinions are entitled to greater weight and respect than the opinions of one individual. Well, we know what the constitution of the Executive Council would be. Two members at any rate will be experienced civilians, men who have devoted the greater part of their life to the cause of the country, men who have acquired experience, who have practically been to every part of these provinces and have served in almost every department.

"Coming to the share of the Indians I should say, as has been pointed out by the honourable members—the share of the Indians is not one to be despised. If Indians aspire to become members of the Executive Council, I believe it is a very legitimate aspiration, but apart from that, Your Honour, we have made out such a case for an Executive Council that most of us would be perfectly satisfied if no Indian were going to be appointed to the Executive Council for the present and we were to have an Executive Council. I believe even on these terms and conditions the creation of an Executive Council would give satisfaction to the Indian community. About the uniformity of policy my idea is, and the point has been well explained, that if we have an Executive Council in place of one Lieutenant-Governor that will be a sufficient guarantee against ill-considered schemes being launched into execution. I could give illustrations, but I do not think, Your Honour, that it is advisable to do so. Apart from the continuity of policy, the establishment of an Executive Council is a sufficient guarantee in favour of the work being carried out satisfactorily—and also against ill-considered schemes being brought into existence. It has been sometimes pointed out that the criticisms offered by the Indian members are ineffective because they have not very accurate means of information and knowledge. If this is so, I would suggest, Your Honour, that it is all the greater reason why we should have an Executive Council, and why one post should go to an Indian—for in that case the present charge would no longer be applicable, and the gentleman who offered any criticism on any measure after retiring from official life would have accurate knowledge and information, and his opinion would be entitled to greater weight than is the case with the non-official opinion at present."

The Hon'ble PANDIT MOTI LAL NEHRU said:—

"The resolution before the Council illustrates a natural phenomenon and involves an irony of fate. The question of the Executive Council has been looming large on the horizon of these provinces for close upon a century, and the natural phenomenon it illustrates is that the further we have advanced the further has the horizon receded from us, and so has the Executive Council. The irony of fate it involves is that we have always been on the point of getting an Executive Council but somehow or other we are to-day as far from or as near to it as we were in the year 1833, and this in spite of practical unanimity on the subject in high official quarters, public bodies and almost every section of the community. When

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[*Munshi Asghar Ali Khan.*]

I say practical unanimity in high official quarters, I am cognizant of the fact that high authorities like Lord Curzon, Lord MacDonnell and Sir John Hewett have in the past opposed an Executive Council being created for these provinces, but honourable members will remember that at the discussion which took place in the House of Lords on the question of the new province of Bihar, Lord Curzon expressed the opinion that if an Executive Council was given to Bihar there would be no reason whatever to withhold it from these older provinces. Now that Bihar has got its Council, the case for the United Provinces becomes unanswerable on Lord Curzon's own showing, and I am not aware of anyone who was more strongly opposed to the reform than Lord Curzon. It must, therefore, be taken that there is now complete unanimity in favour of Council Government in these provinces.

"It is too late in the day to raise the question of the respective merits of Government with and without a Council. The principle that Government with an Executive Council is preferable has been accepted both in England and India and I mean no disrespect when I say that personal Government is an anachronism in the year of grace 1913.

"The honourable mover has given the history of the question, and I shall not be justified in taking up the time of the Council by traversing the same ground. There is one observation, however, which I should, with Your Honour's permission, like to make in regard to the charge that the whole outcry for an Executive Council is based on the selfish object of providing another high post for an Indian. The honourable mover has already pleaded guilty to the charge, but my plea is one of confession and avoidance. I confess to a feeling of great satisfaction at the prospect of one of my countrymen being associated with the executive government of these provinces, but I deny that it is based on selfish motives. On the contrary it is on the very face of it a most generous desire, because it is certain that for one Indian there will be two Europeans on the Council and surely it is not selfish to ask for one high post when we are willing to give away two of the same importance and carrying the same emoluments. I do not agree with the Hon'ble Mr Raza Ali that the public will be satisfied if an Executive Council is created without an Indian member."

The Hon'ble MUNSHI ASGHAR ALI KHAN said:—

"I rise to give my hearty support to the resolution which has been so eloquently moved by the Hon'ble Dr. Tej Bahadur Supru and ably seconded by the Hon'ble Munshi Narsingh Parshad and has been so ably supported by so many gentlemen. So much has been said in its favour that I find hardly anything left for me to say in support of it. But I would be failing in the discharge of my duty to my city which I have the honour to represent if I were to remain silent on the subject. It is with great diffidence that I have risen to give support to this resolution, not because I am not sure of my position as to my attitude regarding the resolution, not ably put and seconded, but because it is a delicate matter to ask Your Honour, as it means the curtailment of your free hand, for the feeling seems to prevail that Your Honour can have an Executive Council if Your Honour only wishes it. If this is the position of things we have not much fear in asking you to start a new era of administration in these provinces during your régime. The request too is formulated into a resolution because Your Honour has already proved to the province at large that you are as Lieutenant-Governor ever open to reason and ever ready to do that which confers the greatest good to the greatest number.

"The great advantage, rather the greatest advantage will be that Your Honour's great burdens of state will be shared by your colleagues. There are times when even the strongest man seems to turn round to ask what ought to be done at certain

RESOLUTION

[*Munshi Asghar Ali Khan.*]

times and in certain circumstances, especially when it is admitted on all hands that the machinery of Government is getting more and more difficult

"Your Honour has your Legislative Council, but administrative questions cannot be discussed so freely and fully in it as can be done in the Executive Council. Often at crises difficult and confidential matters could be easily solved by a meeting of the inner circle.

"The justice of the demand is so very apparent that it hardly seems necessary to say anything in support of it. There cannot be two opinions on the subject, that the introduction of the system, besides affording a good deal of relief to Your Honour in the administration of the province under your charge, will be conducive to good Government and will strengthen the bonds of union between the rulers and the ruled and will make the people of these provinces firm in their loyalty to the British Crown and Government.

"Your Honour, when we see that it has been considered advisable to give an Executive Council to Bombay, Bengal and Madras, and even to the newly-created province of Bihar and Orissa, we set about thinking and try to find out the reason which has led the Government of these provinces to delay the granting of this right to our provinces. I must confess that I have failed to find out the real cause. I know that it is often said that the people of these provinces are backward in education and are not sufficiently advanced in politics, but I must submit, Sir, that a province which can claim to have in it men like the Hon'ble Dr. Sunder Lal, the Hon'ble Pandit Moti Lal Nehru, the Hon'ble Pandit Madan Mohan Malaviya and the Hon'ble mover of this resolution besides many others in the Hindu Community and men like the Hon'ble Mr. Justice Muhammad Rafiq, Mr. Aftab Ahmad Khan, Mr. Nabr-ullah and Mr. Muhammad Ali the District Judge and many others of the younger generation who are coming to the front, in my community, can hardly be said to be so backward as not to be able to furnish even one man for the work.

"Another point which I am afraid may be or will be said against the granting of this right to the United Provinces is the existence of the Hindu-Muhammadan feeling in it. I must admit that such a feeling does unfortunately prevail in it, but then, Sir, I must submit that the best physician for the treatment of a malady like this in the people, is bound to be the man who is one of them, who knows the undercurrent of their feelings, who can read their own thoughts, who gets first hand information, who is easily accessible and who can make a proper diagnosis and can at once administer the correct remedy suitable to the requirements of the occasion and the circumstances of the case.

"He is the man who will be respected and whose advice will be followed by his own community as they will be bound to consider that whatever he has done for them is good for them and suited for the needs of the occasion and about whom men of other persuasions knowing his patriotism, honesty, integrity and ability will at once acquiesce in whatever he will do, believing that whatever he has done he has done after careful consideration keeping in view the needs of the case. I have strong hopes, Sir, that after a very short time Your Honour will be pleased to see that discord and ill-feeling will disappear and people will revert to the normal state of affairs, being convinced that real profit and happiness lies in unity and peace, and the best state of society is that where men try to better their own condition without trying to harm their neighbour and that it is always safe to act on the policy of 'live and let live'.

"The chances are that the official members may not support this resolution while all the non-official members are unanimous in their request, and will this not be seriously considered the greater reason to consider why an Executive Council should not be granted.

RESOLUTION.

[*Babu Brignandan Prasad, Babu Balak Ram.*]

"Sir, we pray you to consider this Your régime will go down to posterity as the best Government with an Executive Council and I feel tempted to prophesy that though seemingly hampered with an Executive Council yet Your Honour's régime will have lost none of Your Honour's characteristics and strength."

The Hon'ble BABU BRIJNANDAN PRASAD said —

"After the learned speeches made on the subject, I think it will be useless for me to take up the Council's time for a long time But I would be wanting in my duty if I did not rise to say a few words in support of the resolution. This is simply that the people from all parts are unanimous for the establishment of an Executive Council. Even distant and backward parts are now coming forward for an Executive Council Born and bred up under the British Government, having imbibed English literature, knowing fully the advantages of council government, it is no wonder that we should ask for a Council One great advantage that accrues from this is that the policy of reform that may now be undertaken by one Lieutenant-Governor is sure to be carried into effect and will not go into the background as soon as he has gone We have seen a number of instances A reform has been inaugurated, but as soon as the Lieutenant-Governor who started it goes away it is thrown into the background and some other comes to the front. With the council government this will be impossible, because the Council will never cease to exist and whatever reform may be inaugurated will be sure to be carried to completion.

"Then the second advantage, as has been pointed out by more than one member, is that it will prevent many mistakes being committed. Some mistakes are committed owing to ignorance others are committed for some other reason But in the case of council government there will be so many able heads that very few mistakes will be committed

"Then, Sir, the other advantage will be that we shall have an Indian on the Council and that in itself will be a great advantage I do not look to the advantage merely from a pecuniary point of view—though that is not a trivial matter But I would like the proposal to have an Indian member with the Government because that would show that the Indians are not looked down on and considered incompetent. Of course I may be excused for the remark that I have been surprised to find all this time not one Indian has been taken into the Secretariat Of course this shows that Indians have not been considered fit for this work I do not think, Sir, that this is a fair conclusion to draw If Indians have not been given a chance to do a work, it cannot be said that they cannot do it Otherwise it might be taken to mean that a person who did not know to swim should not be allowed to go into the water. I do not think this is a wise policy and I think the Government will be well advised if council government is granted to these provinces With these few words I support the resolution "

The Hon'ble BABU BALAK RAM said —

"I beg to support the resolution with great pleasure. I feel that everything that could be said in its favour has been exhaustively said by the honourable mover. There is one thing which I wish to bring to Your Honour's notice and that is that there is a consensus of opinion on this subject Your Honour will hardly find any other subject on which public opinion is so unanimous, and there is only one voice, if I may be permitted to say so, in the whole province—that the time has come to have an Executive Council without any further loss of time There seems to be no reason, when we see Bihar (a newly-created province) has got the privilege of having an Executive Council, why this province should not have one, which in comparison with that province is advanced in every respect Your Honour, even the illiterate people of these provinces are of opinion that an executive council is badly wanted Of course, it will be simply wasting the valuable time of this Council if I were to repeat what has been exhaustively said, and therefore I simply rise to support this

RESOLUTION.

[*Rai Gokul Prasad Bahadur, Sayyid Muhammad Abdur Rauf*]

resolution to show that at least the division of Fyzabad is also very anxious to have an Executive Council "

The Hon'ble RAI GOKUL PRASAD BAHADUR said —

"I rise to give my cordial support to the resolution so ably moved by my learned friend Dr Sapru. As far as the reasons for having an Executive Council in these provinces are concerned, so much has been said from public platforms and in the speeches that have preceded mine that it is not necessary for me to say very much about it. There is, however, a practical question which I wish to place before the Council. It has already been brought to the notice of the Council that our provinces are in no way backward as compared with the sister provinces where Executive Councils have already been given. The question then arises, what is the reason why we have not been given an Executive Council? Is it because there is something wrong with the people, or something wrong elsewhere? For if we knew the reason why it was so, perhaps we might be able to meet it. And so, whether the reasons alleged or assigned for not giving an Executive Council do or do not exist, the very fact that no reason has been given puts, so to say, a stigma on our provinces, and it is to remove this stigma, Your Honour, that we ask you to ask the Government of India to grant us an Executive Council. With these few words I beg to support the resolution "

The Hon'ble SAYYID MUHAMMAD ABDUR RAUF said —

"With Your Honour's permission I wish to say a few words in support of this resolution, on which has been so ably moved by the honourable mover. I rise to support this resolution, not because it is necessary to adduce arguments in favour of the resolution, but because I am anxious to associate myself with those gentlemen who have supported it. If you examine the grounds upon which it may be decided that one province or the other is entitled to have the privilege of an Executive Council, I do not see any reason why the privilege should not be extended to our province. In point of education, in point of loyalty to the Crown and in point of the interest that the public takes in matters of State, I do not think that the people of these provinces lag behind any other province. If for nothing else than to remove the slur which exists under the circumstances, I would beg Your Honour to make this recommendation that an Executive Council should be given to these provinces. There is another reason why I do not want to add arguments in favour of the justice of the claim which has been so ably put forward by the Hon'ble Dr Sapru and which without the slightest difference of opinion is supported by all members of the Council. When the scheme for constitutional reform was under the consideration of His Excellency, the Governor General in Council sent a letter to the Secretary of State in which the justice of this claim was recognized. In paragraph 7 of this letter it was said — 'In conclusion we have one more observation to make, we recognise that the effect of our proposals will be to throw a great burden on the heads of Local Government, not only by reason of the actual increase of work caused by the longer sittings of the Legislative Council but also because there will be considerable responsibility in dealing with the recommendations of those Councils. It may be that experience will show the desirability of strengthening the hands of Lieutenant-Governors in the larger provinces by the creation of Executive Councils '

"Your Honour, in reply to that letter a despatch was sent by the Secretary of State, Lord Morley, on the 27th November 1908, and with Your Honour's permission I shall lay one paragraph from that letter before the Council. Paragraph 37 says — 'As to the creation of Executive Councils in the larger provinces, I am much impressed by both of the considerations that weigh with Your Excellency in throwing out the suggestion and more especially by the second of them. All will depend for the wise and efficient despatch of public business, upon right relations between the supreme head of executive power in the province and the Legislative Council.

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[*Rana Sir Sheoraj Singh, His Honour the President*]

The question is whether these relations will be the more likely to adjust themselves effectively if the judgement of the Lieutenant-Governor is fortified and enlarged by two or more competent advisers with an official, and responsible share in his deliberations.

"Referring particularly to the question of establishing Executive Councils for Lieutenant-Governors His Lordship wrote that 'the suggestion for the establishment of Executive Councils for Lieutenant-Governors, as Your Excellency is aware, is not new. A really new problem or new solution, is, in truth, surprisingly uncommon in the history of British Rule in India, and of the political or administrative controversies connected with it. Indeed without for an instant undervaluing the supreme necessity for caution and circumspection at every step and motion in Indian Government, it may be open to some question whether in some of these controversies before now even an erroneous conclusion would not have been better than no conclusion at all.' There is no doubt that if the decision of Your Honour goes in favour of the claim which has been put forward that an Executive Council should be created, Your Honour will be showing a confidence in the people of these provinces that there are such able men to whom Your Honour may look for advice and that Your Honour is anxious to seek their advice in the administration of these provinces. With these few remarks I beg to support the resolution."

The Hon'ble RANA SIR SHEORAJ SINGH signified his support of the resolution. HIS HONOUR THE PRESIDENT said.—

"Gentlemen of the Council. As no other honourable member seems to wish to speak, it is fitting that I should now attempt to indicate in a few words the attitude of the Local Government towards a proposal which vitally affects its own constitution. Before doing so, it would, in ordinary circumstances, have been necessary for me to review the recent history of this question, but the honourable mover has absolved me of that duty by the brief and accurate summary of the past history which he, in his opening speech, laid before the Council.

"It seems desirable, however, that I should touch upon the arguments which have been advanced both here and in other places in favour of the constitutional change which all the honourable members—18 in number—who have spoken to-day consider to be desirable. Up to a few years ago, the creation of an Executive Council for the United Provinces was regarded as a matter of more or less academic interest.

"A plea in favour of it was inserted in one of the later editions of his admirable treatise on 'Indian Polity' by the late Sir George Chesney, whom the honourable member has duly quoted to-day. What was contemplated by that writer, however, was a Council which would be wholly official in its composition; and, so far as I know, no popular demand for a Council of that description arose either then or till much later. The school of government by consultation and the school of personal government were never brought into serious conflict until the deliberations of the Royal Commission on Decentralization, in which body the former school was strongly represented and the latter scarcely represented at all. The Commission reported as their opinion that the Lieutenant-Governors of the larger provinces are already overburdened, and that their powers are too wide to be expediently entrusted to one man. Now, it so happened that the publication of this view coincided with the legitimate excitement which was caused by the reforms associated with the names of Lord Morley and Lord Minto, and the Commission's dictum was seized upon by a large section of educated Indian opinion as the basis of a demand for attaching Executive Councils, with Indian gentlemen among their members, to the Lieutenant-Governorships. That demand has been emphasized in the Press and by our large political bodies, and it is the same demand which has been put before us to-day with a fairness of argument and a moderation of statement which are characteristic of all discussions of policy in this Chamber.

RESOLUTION

[His Honour the President]

"The only other occasion, before to-day, on which the propriety of an Executive Council for this province was the subject of a regular official discussion, was in the Governor General's Legislative Council in January 1911, when Mr Sachidanand Sinha moved a formal resolution in parallel terms to those of the motion which is now before us. The debate was a short one, and most of us who listened to it felt that it was somewhat inconclusive. It was closed by the late Sir John Jenkins, who deliberately refrained from discussing the proposal on its merits, and announced that the Government of India intended to take no action towards providing a Council for the United Provinces, so long as Sir John Hewett continued to be Lieutenant-Governor. 'After that' concluded the Home Member rather cryptically, 'after that we shall see' The pronouncement thus based on personal grounds, contained one important reference to principle. The criterion, Sir John Jenkins explained, which he would apply in determining whether the province ought to have an Executive Council, was this is the work of the province a task such as one man cannot properly discharge, and does it compel him to delegate his functions to irresponsible subordinates? If so, then, said Sir John Jenkins, the time has come to resort to Council government; if not, let the province, 'on all grounds of economy and good administration,' remain in the charge of one man. That stage, the stage when Government breaks down under its own weight, had not, in the Government of India's opinion, been reached in these provinces in January 1911.

"Gentlemen, I confess that I do not feel conscious that this stage has been reached even now, in April 1913. If we take either the criterion of the late Home Member, the excessive burden of work, or the criterion of Sir George Chesney, the disposal of a great deal of work in the Lieutenant-Governor's name by irresponsible secretaries, I can definitely assure the Council that neither of these criteria is applicable to the present circumstances in these provinces. The work of the Lieutenant-Governor, it is true, is heavy; but its great variety and its consuming interest prevent it from being a greater burden than one man can carry, if he is blessed with health, and if he is served as loyally by his secretaries and by his executive officers as the Lieutenant-Governor of these provinces gratefully acknowledges that he is served at the present moment. The popular idea that much of the work which emanates from the Secretariat is irresponsible or unauthorized, is ludicrously incorrect. In every government in the world there is, of course, and of necessity, much discussion, much correspondence, much preliminary clearing of issues in which the head of the government or the responsible members of the government take no part. But it was Sir John Hewett's policy that no conclusions on any point of principle should be formed, no appointments of any consequence made, no order of any importance issued, unless he had previously considered them with his secretaries and fixed the substance, and in many cases, indeed, the form of the published decisions. That policy I endeavour to carry on, for the responsibility of a personal government cannot possibly be divided. So far then as these arguments go—the argument that the work is too much for one man, and the argument that he perforce delegates duties peculiar to himself,—I repeat that I do not accept them for these provinces at the present time as true, either in fact or in implication.

"But, Gentlemen of the Council, these are not the only arguments for an Executive Council. They are not, if I have judged to-day's discussion aright, even the chief arguments in the mind of the most of the honourable members who have spoken. On one argument there is happily complete unanimity among us, and this is the argument which claims that our beloved province is second to none in India whether in loyalty or in political importance or in its contribution to the Imperial exchequer. On this we are all at one. But in the views of honourable members

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[His Honour the President]

there are other reasons of a different character from the volume of the work or the manner of its delegation, reasons of policy and constitutional development

'The honourable mover and his friends regard government by council as a higher form of evolution than personal government. Or, to reduce their creed to more concrete terms, they consider that a council will operate as a brake on the impetuosity or as a stimulus to the activity of the individual Lieutenant-Governor. It will, in other words, secure the more even attention of the Local Government to the great and varied objects which are under its care, and, what is even more important, it will ensure greater continuity of policy in the provincial administration. The force of these arguments I fully appreciate, though my sympathy must necessarily be impersonal in character. It may be that the realization will not always respond to the theory, but these considerations are certainly of great weight, and entitled to respectful examination. Even these considerations, however, do not touch the final and crowning argument of my honourable friend for a council, the argument which I may say has elevated the question from the plane of a purely academic discussion, namely, that the creation of a council will bring an Indian into the Local Government. If the analogy of the Executive Council in other provinces is to be followed, an Indian gentleman who has been born and bred in this province will be admitted, by virtue of his membership of this new body, into the inner circle of Government. Some honourable members who have spoken to-day have suggested that they would welcome a council even without an Indian member, but I, for one, find difficulty in conceiving either the propriety or the necessity of giving me a council unless I am also given an Indian colleague. However that may be, it is, I think, the conviction of most of the honourable members who have spoken that by the admission of an Indian member into the Council, the interests of the people will be more consistently pressed, and will be presented at times in a truer light than is the case at present. Patriotic sentiment, which counts for so much, will be gratified, and the people will feel that the British Government have extended to them a signal mark of confidence and fellowship

"Now this, gentlemen, is, as I understand it, the case for an Executive Council. There are of course arguments against it, which will have to be carefully weighed when a decision is sought for, such as its expense, its occasional tardiness and circumlocution, its lesser accessibility. But I do not propose to dilate on these, partly because we have not heard them to-day and mainly because I do not wish to bring this question into the atmosphere of controversy. For it is impossible—and now I come to what must be at present the official attitude towards my honourable friend's resolution—it is impossible for the Local Government to-day to argue the question on its merits. I have, on behalf of the Local Government, to oppose the motion now before us, and to do so, not as an expression of our opinion whether an Executive Council is desirable or not, but because it is only by formally opposing the motion that the Local Government can refrain from a declaration of its views which this is neither the time nor the place to make. Gentlemen, you have to look at our position in the matter. If it is desired to create an Executive Council for this province, the Governor General in Council has to be satisfied of the necessity for it, then the Secretary of State has to approve the proposal, and then the scheme has to be submitted to both Houses of Parliament, either House having power to block the proposal by an address to His Majesty. If the Local Government were to accept the Hon'ble Dr. Tej Bahadur's motion to-day, it would, by so doing, commit itself in public to an expression of opinion which it has at present no right to publish, and which by all the canons of public business, must remain the property of our superior authorities until the Secretary of State lays the papers before the Houses of Parliament or allows them to be published in some other form.

"Such is the position, and it is for this reason that it is incumbent on me to resist the motion before us. I have, however, listened with the greatest interest to the

THE BUDGET, 1913-14.

[Dr Tej Bahadur Saprū]

speeches of honourable members. They constitute a volume of opinion which it is most desirable that the Government of India should have before them in estimating the wishes of the people of the province on this all-important question. As soon therefore as a complete report of to-day's discussion is ready, I shall submit it to the Government of India, who will, I know, give it the full weight to which it is entitled, both from the importance of classes who are represented in this Chamber and on account of the temperate and conciliatory manner in which the question has been argued."

The Hon'ble DR. TEJ BAHADUR SAPRŪ said —

"I desire in the first instance to thank my honourable colleagues, who have so strongly supported me on this particular question. An analysis of the speakers who have addressed this chamber this morning shows that this resolution has in fact the support of every class of people in these provinces. It has the support of two distinguished Rajas of the province of Agra, of one distinguished taluqdar, who I believe sits here as a representative of the taluqdars of Oudh. It has again the support of respected leaders of the Muslim community and members of the Muslim League and it has also the support of inveterate congress men like myself. Therefore I am entitled to say that this is a resolution on which public opinion in these provinces is undivided and unanimous. One of the reasons which led me to bring up this motion before this house was that at the time when this question was discussed in Parliament, one important argument which was raised by a gentleman who opposed the creation of an Executive Council in these provinces was that there was no evidence before them that these provinces did really want an Executive Council. Now I do not know how far that opinion was accurate. The fact is that even at that time a large number of meetings were held in these provinces at some of which I was myself present and I can say that a number of telegrams and representations were sent to the Secretary of State supporting the idea of creating an Executive Council for these provinces. Knowing as I do that Your Honour's Government approaches this question from a sympathetic point of view and hoping that the question may ultimately go up to the Secretary of State, I consider it necessary that we should take some steps to prevent any such misconception in the future. I would therefore earnestly beg that Your Honour will be pleased to put before the Government and the highest authorities the strength of the feeling which has most unmistakably been displayed this morning on this question. As Your Honour has indicated that the question is likely to come up before the Government of India at no distant date, I am only anxious that there may be something on the official record to show that at any rate so far as non-official opinion of this Council is concerned, we are all agreed.

"I quite appreciate the point of view of the local Government regarding this particular matter. Of course it would be idle for me to expect that the local Government would give in at once, and I do not consider that what Your Honour has been pleased to observe on this matter is really in the nature of opposition, for Your Honour has said that the opposition is formal. I quite appreciate that point of view, and I am encouraged to hope that although it may not be necessary, politic or proper or consistent with official etiquette that there should be any declaration made by the Local Government about this matter, still I hope that we shall have the support of the Government in its official communication to the higher authorities. Your Honour with a view to having something on record upon this subject and with a view to showing particularly the strength of non-official opinion, I would call for a division."

THE BUDGET, 1913-14
[*Khwaaja Ghulam-us-Saqlain*]
The Council divided as below:—

| AYES, 21 | | NOES, 21. | |
|-------------|-------------------------------------|-------------|---------------------------------------|
| The Hon'ble | Rana Sir Sheoraj Singh, K C I E. | The Hon'ble | Maharaja Sir Bhagwati Prasad Singh |
| " | M Mahadeo Prasad | " | Mr D C Bailie |
| " | Dr. Sundar Lal. | " | Mr G A. Tweedy |
| " | Sayid Mhd. Abdur Rauf | " | Mr F. W Brownrigg |
| " | Rai Shankar Sahai Sahib. | " | Mr R. Burn |
| " | Babu Balak Ram | " | Mr A. W Pim. |
| " | Raja Kushalpal Singh. | " | Mr C H. Hutton |
| " | Babu Brijnandan Prasad. | " | Mr. W G. Wood. |
| " | Pandit Moti Lal Nehru. | " | Colonel Manifold |
| " | Rai Gokul Prasad Bahadur | " | Lt-Col C. Mactaggart. |
| " | Khwaaja Ghulam-us-Saqlain | " | Mr. D M. Straight. |
| " | Sayid Raza Ali | " | Mr. H R. C. Hailey. |
| " | Shaikh Shahid Husain | " | Mr E. H Ashworth |
| " | Babu Moti Chand | " | Chaudhri Maharaj Singh. |
| " | Rai Ganga Prasad Varma. | " | Raja Sir Md. Tasadduq |
| " | M Asghar Ali Khan | " | Rasul Khan |
| " | Rai Bishambhar Nath Bahadur | " | Nawab Mumtaz-ud-daula |
| " | Dr. Tej Bahadur Sapru. | " | Sir Mhd Faiyaz Ali Khan. |
| " | Lala Sukhbir Singh | " | Mr F. Mackinnon |
| " | Raja Shyam Rikh. | " | Mr. W. J D Burkitt. |
| " | Munshi Narsingh Prasad. | " | Mr W. H Cobb. |
| | | " | Mr H. W Pike |
| | | " | Dr A. Venis. |

HIS HONOUR THE PRESIDENT then voted against the motion, which was accordingly rejected.—

THE BUDGET, 1913-14.

The discussion of the Budget of the United Provinces for 1913-14 was then commenced.

The Hon'ble KHWAJA GHULAM-US-SAQLAIN said —

"According to the time-honoured custom observed on the occasion of the budget discussion, a member may cast a comprehensive glance from China to Peru or rather from Ghazipur to Saharanpuri. But I would prefer to confine myself to a very few topics which appear to me to be at present of supreme importance. I must in this connection congratulate the Hon'ble Mr. Pim who has so ably prepared the Budget. The Finance Member has been fortunate on this occasion. I trust the honourable member's surplus would be realized and the rains would be plenty and in time

"It is evident that the success and prosperity of the budget depends upon the prosperity and well being of the body politic. A society which has a false economic basis must be subject to various diseases and requires in certain respects a radical cure. When we tax a community or a class of persons it should be a serious and all-important consideration whether the circumstances are such that the subject matter of the taxing operations can continue to return as much or more in the future as they have been doing in the past. We have to consider whether there are any circumstances by which wealth is being distributed or transferred in a way which may soon end in an economic or political catastrophe

"In considering this branch of the subject it would be necessary for me to submit to Your Honour, to this Honorable Council and indirectly to the Imperial Government as well, that according to the well-accepted doctrine the Legislature

THE BUDGET, 1913-14

[*Khwaja Ghulam-us-Saghlani*]

ought not to be guided by extrinsic ideas which are not quite as useful in India as in other climates or countries.

"To quote the weighty words of Mr. Justice Beachcroft of the Calcutta High Court (*C H Crowdy versus L O Reilly*, reported in 17 Cal Law Journal) uttered so lately as the 2nd September 1912 in the matter of the application of principles prevalent in England — 'I think, looking to the conditions obtaining in this country, so different from those in England, we should not slavishly follow English precedents,' with greater force these words apply to the Legislature, whose function, unlike that of the Judicial Bench, is not the interpretation but the framing of laws. The Legislature is evidently much more free.

"With Your Honour's kind permission I would devote myself to a socio-legal-economic question, which has been neglected only too long and too often. I mean the question of interest.

"Herein I may say that I do not wish to look at the question from a religious point of view, though I know that the holy law-givers of Judaism, and of Islam have absolutely prohibited usury. Christ in his parables mentioned in St Luke and St. Matthew refused to sanction it. The great Manu has circumscribed it in very narrow bounds by enacting the rule of *Damdapat*, i.e. that interest exceeding the principal cannot be recovered at one time. Due to commercial expansion the absolute prohibition of the Hebraic system has generally disappeared under stress of modern life, and certain Musalman politicians have been giving this prohibition an elastic interpretation, finding differences between usurious contracts and moderate profits. But the commands of Manu are initially moderate. His rule is universally recognized as an integral part of Hindu law and is supported by the eminent *Yagnyavalkya* and the learned *Brahspati*, the erudite *Gautama* and *Vishnu* and *Katyayana* and all great commentators and *rishis*. Yet it is a curiosity of Indian jurisprudence that its application is confined to the original side of the Calcutta High Court and to the City of Bombay only, while everywhere else it is altogether ignored. But the framers of the Deccan Agriculturists Relief Act of 1879 (S 13) have nobly adopted the principles of *Damdapat*. The Bombay Courts have a wide discretion and cannot decree more interest than the amount of the principal advanced.

"I have been referring to these matters to indicate that in this country there has always been a powerful body of public and religious opinion against excessive interest. In the days of Muslim rule no court openly decreed the interest, and the mortgage by way of sale was in itself not only a permissible way of acting by the letter of law, but was mainly a just practice, convenient to both parties, as no accumulation of interest was thereby possible. The interest was always set off by the fruits of property mortgaged. Of course even during those days there must have been big monetary transactions where property was not mortgaged. But wherever the Qazi's Courts had jurisdiction legal fictions must have been adopted to enforce the understanding between the parties. Still, the most potent factor was public opinion, which would not allow dishonest debtors or harsh and heartless creditors (whose number was I believe ridiculously small compared to this age of high sounding pretensions and of sharp practice) to overstep reasonable bounds.

"The waves of greediness were controlled by a power more effective than that of Shakespeare's King Canute, and public opinion successfully pronounced, the formula — 'Thus far thou shalt go and no further.' In the hundred years of unsettled government since Bahadur Shah I's death in 1719 to the firm establishment of the British Rule in the Agra province, which I take to be nearly in 1819, i.e. 16 years after the defeat of the redoubtable Holkar and Sindhu and their exclusion from these districts, of course the strong hand had ruled the village and the town, and no one was allowed either to accumulate too much wealth at the

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expense of his fellow villagers or fellow townsmen or to ill-treat the agriculturist too much, for the latter could easily revenge himself upon his enemies. So that there was an equilibrium, rough and unlawful as it might have been, until the firm establishment of the British Raj. The British Legislature before Act XXXII of 1839 (when interest in courts of law in the Bengal Presidency even without contract, was allowed to be decreed in certain cases) does not seem to have effectively interfered with the local laws and customs as to interest. But then the Act XXVIII of 1855 called "an Act for the Repeal of Usury Laws" was passed. The only important section is the second section of this Act, which leaves no option to the Courts of Law, and makes it incumbent upon them to decree the interest at the rate agreed upon by the parties.

"I am not aware of any public or private demand that was ever made for the enactment of this Law. I would go even further and say that out of 99 persons affected by this rule not even one knew that any revolution had taken place in their laws and usages. If any one in these provinces had explained the Act to the classes prejudicially affected thereby, perhaps they would not have understood it, as they were too careless of their interests. But it was one of those good things that were introduced into this country for the welfare of the inhabitants less than a year before such law was enacted in England. Those were the days when statesmen were often actuated by motives of benevolence rather than by motives of prudence and expediency. At that period it was considered best for India to introduce into it the whole occidental budget of ideas and principles discovered by eminent jurists and economists nurtured under the direct and indirect influence of the French Revolution. These principles, which are good enough in the abstract were again repeated in section 10 of the Contract Act (Act IX of 1872). The boundaries set to the validity of contracts embodied in section 14 to section 23 or even the section about so-called unconscionable bargains do not at all contemplate bargains that are *per se* inequitable or decrees inexpedient. These laws were no doubt beneficial to and even necessary for a commercial community like that of England or Holland, where the material prosperity of the greatest number of the inhabitants depended upon commerce and industry and the carrying trade of the world. In such societies most persons are acute business men. There the banking business is the life and soul of the nation. Such legislation there will of course be of great utility. In the fifties of the last century we must also remember that the influence of Bentham with his hard-and-fast rules of legislation and utility and of his great disciples, the two Mills, was very strong. Indeed the eminent J S Mill was then employed in the India Office. Cobden and Bright with their free trade propaganda ruled the realm of economic thought, the ruling Whig families humbly following them in legislation so long as they were not disturbed in their prerogative of ruling the country. The principles of free trade or *laissez faire* were very generally adopted. India was considered not an unfit ground for these legislative experiments as there was no landed aristocracy of the Indians having votes in the Parliament or in the India Office. Indeed here there was no public opinion that could insist upon some moderation in this rush for uncalled for revolutionary legislation. Yet, truth to say, this country, and these provinces particularly, were and are quite unsuited to these doctrines of free trade in usury, i.e. the art of peacefully conveying one's neighbour's property under the guise of law. We have here an old aristocracy that is proud and extravagant and unable to protect the vast areas of land that it possesses from clever speculators and agents. The Court of Wards to some extent has interfered to save their landed property, but it deals with a small percentage only. We have, moreover, the large class of agriculturists, which are the back bone of the country, comprising the largest portion of the population, nearly 80 or 90 per cent. of whom are Hindus, but dumb Hindus.

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"They are all supported by land. In the towns we have a large urban population of artisans. Of these three the aristocracy had, and some still have, ample means, but the ancient institutions and its custom of marriage and ceremonial expenses, its kind-hearted support of its numerous dependents, with its ignorance of law and arithmetic made it an easy prey to the liberty of contract. The petty agriculturist or ryot was no better than an unintelligent denizen of Timbuctoo, so far as his knowledge of legal rights and principles and arithmetical calculations was concerned. So there was none to protect him from his own ignorance and listlessness. The town artisan lives also from hand to mouth and depends upon the banking classes. These three classes are financed in their legitimate and illegitimate needs by a part of the population which might be computed to be not more than 1/40 of the population of 48 millions. They usually follow the banking trade, but they are not necessarily confined to the chief lending class of *vaishas* or *banias*, although it may be roughly said that as many non-Banias follow the banking trade as the Banias follow other trades and professions, hence the population supported by money lending could not be more than 12 lakhs in all.

"The condition of the country when Britain gave peace to it was such that if any class required protection it was the money-lending class, as it was unwelcome, and a prey to acts of depredation or extortion. This needed protection the law gave them, but unfortunately it gave them something more. The law gave them an opportunity of safely acquiring most of the land, wealth and influence and most of the prestige given by wealth and land which till then the other classes enjoyed.

"The agriculturist, the artisan, the landholder or big zamindar could not right himself by force, could not protect himself by having recourse to law. For the aforesaid 'Repeal of Usury Laws' and the Contract Act were and are mechanically worked by the courts which are supported by the strong arm of the executive government, i.e. by the whole military force of the Empire. Meanwhile, during these years since 1855 to 1912, for more than half a century, land has been changing hands with unwonted rapidity, except in Oudh, where some far-sighted statesmen partly arrested the fall of one of the three classes mentioned above, i.e. the landed aristocracy.

"Hundreds of thousands of acres in every district, thousands of houses in every city passed to the money lenders, and the borrowing classes were being fed with the doctrine of the sacerdotal character of the signature which they made underneath a writing when hard pressed by their real or fancied necessities. They and their descendants have the treatises of Bentham, the Commentaries on Act IX of 1872 and the serried rows of the law reports to console them for having lost more than half their real property.

"This being the state of things, I know I am open to a very obvious objection. Why it was that the three chief borrowing classes never made any complaint and brought their woes to the notice of the Government. The answer is not flattering to their self-respect. The agriculturist and the artisan was too ignorant either to know his rights or to understand the duties which he owed to himself to his descendants and to the public, in this matter. Even the landholders did not take kindly to education in these provinces, they were proud and negligent and though morally able, were actually incapable of protecting their interests. Further, they were mostly in the hands of those very classes who lived at their expense by giving them loans and getting them back after a few years with double or ten times the amount advanced. Whenever they raised some mild protest, they were told that law (which naturally meant jail or the attaching *amin*), demanded every penny and that the blind goddess did not care for equity. No reduction can be made and no

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questions need be asked. It might be asked how it was that the Government did not attend to this evil. Indeed the Government could not, because it had already its hand full of numerous problems, and its officers were educated in a different system of commercial economics. They were not vigorously pressed by the public to attend to this lego-economic problem. Naturally they did not go out of their way to have the system changed. They are not to be blamed. There is a very significant Hindustani proverb that says 'the mother does not give milk to the child so long as it does not cry' and it contains a vast store of wisdom. But those classes that were prejudiced by the law as it stood since 1855 did not raise their voices with sufficient distinctness. We know why it was, but one must be surprised that educated public opinion did not take upon itself this duty of representing a crying need of the country. Why it should be left for instance to the Hon'ble Mr. Thorburn of the Punjab Commission rather than to an Indian gentleman to raise his voice to save millions of persons from financial and economic ruin."

"The answer is not far to seek. Since the advent of the British rule the lion's share of the influence in the Government had belonged to the money-lending classes, and to persons who, though not directly or financially interested in the question, were trained and educated under the auspices of the Cobdenite and the Benthamite School of economics. The Indian Bar, the Indian Bench, the Subordinate Judiciary, the Legislative Councils, the Indian Press have been mostly in their hands. This educated public attended to every and any petty detail of administration, but what they never cared for was this very important matter. The numerous Congresses, Conferences, Leagues, Associations, &c., remained dull and dumb. What is worse, under this predominant influence of the money-lending régime those very few of the *Jat*, the *Rajput*, the *Musalman* landholders that had conserved their property and wanted to improve it, found the best and safest investment in giving loans on the security of the property of their neighbours, and then to lie low. A decade or less was sufficient to engulf the largest estates and to increase their boundaries to an extent undreamt of in the former days. Indeed the demoralising effect of this banking trade has been startling. Here in India, unlike what is the case in Europe, through lending it is not meant to invest money profitably but to annex a neighbour's property. Banking is based upon the principle that by the savings and prudence of some, others may work and prosper, and give back a share of their earning, which but for the lender's help they could not earn.

"Under these circumstances I think the best thing would be to discuss this question thoroughly, in an impartial manner, and to get statistics and figures which would show what is the average amount of property that changes hands every year through the operation of this licence of usury and compound interest. Your Honour has kindly promised to obtain some figures that will to some extent meet my wishes, but I fear unless definite instructions are given and nothing is left to the discretion of the people concerned, no tangible result would accrue. It will be easy to get the figures from the various district record offices. In the Civil Courts the plants in mortgage suits always give the principal and the interest distinctly, and every court has a register for decrees by which in a day or two the total decretal amount for each year in mortgage suits can be noted, and in a few days more the principal might be searched from the files in the record offices, which in many cases are adjacent. The whole thing can be finished in a month. The expense will only be that of correspondence. But till those figures are obtained I would submit a few circumstances that would go to show the necessity for some radical steps to be taken. Your Honour and the Council know that on the 22nd July 1907, His Majesty's Privy Council, in the case of *Vasudava Mudaliar v. Srinivasa Pillai*, was pleased to rule that a simple mortgagor can only bring a

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suit for sale within 12 years of the mortgage under article 132 of the Limitation Act and that article 147 with its sixty years' limitation was not applicable. By reason of this true and final interpretation of law the lower courts as in duty bound dismissed suits that were barred. Now an outcry was raised by the speaking classes

"For sixty years the borrowers had been paying interest and compound interest and millions worth of property had been changing hands every year. As soon as this glaring judicial mistake was discovered, Act IX of 1908 came down upon the heads of the mortgagors with lightning speed, and its special section 31 has a retrospective effect, although it is very seldom that any Act is given any retrospective effect. The old and dusty, and in some cases, I fear, paid up or forgotten, documents or their copies came out with a sudden jump. Not only this, but such cases as had been dismissed by the courts were allowed to be reopened. With the greatest possible respect for our Indian Legislature, I would express my retrospective regret that even if the rights of the mortgagees were more sacred than those of mortgagors, how it was that interest for full sixty years was allowed? Was it not sufficient that the principal amount and only 12 years' interest as required by law should be paid in full? By this enactment, i.e. by the payment of interest for full term instead of 12 years I am reminded of the pathetic lines of the Persian poet Anwarī, where he says, 'every calamity that comes down from Heaven, though it might be destined for others, as soon as it reaches earth asks the question "Where might be Anwarī's home",

ہر بلاے کر آسان آید * گر چہ نہ دیگرے تصا باشد
تا رسیدہ زمین ہوں پسند * خدائے ابروی کجا باشد

"So the ruling that found the law to be favourable to borrowers and protected them resulted in the total ruin of many

"I can say with certainty that in one district of which I have a little knowledge a large number of well-to-do families were simply crushed, many were practically reduced to beggary. But there is no historiographer to record their woes. It reminds me of a saying of Carlyle that the atrocities of the reign of Terror in the French Revolution have such virtue and infamy because they were exercised upon the speaking thousands who wrote memoirs and journals and published their woes, but the dumb millions were even then more oppressed on the Continent. The instances in my experience are very numerous, and the intensity was materially increased because following the strict provisions of the law of contract that, unless coercion or undue influence was proved as to a contract, the courts of law had no discretion to reduce the rate of interest, the Honourable High Court of Allahabad practically cancelled even the faint recommendations to moderation in decreasing compound interest that were some times acted upon, by not following the now obsolete precedents in *Madho Singh v Kashi Ram* (I L R, 9 All, page 228) and 25 All, I L R, page 284. I have not the least desire to reflect on the decision of the Honourable High Court that disagreed with the judgement of Mr J Davar of Bombay and with its own former judgements, they have to administer the law, such as it is, according to their own views

"But the result, as I said, spelt ruin to thousands of families in these provinces within the last 2 or 3 years. I have found from casual inquiry of a person who was sitting before me while I was writing the notes of this speech that in the villages of Bhatnara, Bahadurpur, Chittaura and Bihari in the district of Muzaffarnagar that are situated in a radius of 4 miles, 15 respectable families have been nearly ruined by diseases of compound interest. Their names I have got in my hand. To come to particular instances, I may cite only a few of which I have

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evidence in my possession, when the information asked for comes before the Council then there will be more convincing proof of the hardship of the existing system

(1)

Mutasaddilal versus Sisa and Jiram Gujars, case no 160 of 1906, Saharanpur, Sub-Judge's Court

Borrowed in January 1882 Rs 800

Claim in 1906 amounted to Rs 2,06,365, out of which, decree for Rs 8,000 claimed and obtained

(2)

No 1226 of 1910, Sub-Judge's Court, Shahjahanpur no of appeal 1226 Jutlal versus Nanhun, &c

The mortgage bond shows that the original principal advanced was Rs 76 and Rs. 1,000 with future interest were decreed

(3)

Seth Nathmal versus Muhammad Ismail and others, no. 316 of 1910, Sub-Judge, Saharanpur

Principal advanced Rs. 1,000, decreed and claimed Rs. 17,000

(4)

No 200 of 1910, Sub-Judge's Court, Saharanpur, Hoshier Singh versus Sheo Singh

Principal Rs 500 Interest Rs. 10,155 decreed Rs. 10,655 (more than 20 times)

(5)

No. 364 of 1908 of Saharanpur, Pannalal and others versus Abdul Rahman and others principal Rs. 200 in 1894 Decreed Rs 2,086-8-6

(6)

No 586 of 1912, Jaunpur Munsifship, Muhammad Ismail versus Ilahi Bakhsh Principal Rs. 99 advanced on 15th December 1900, claimed Rs. 581

(7)

Hobdai Mulliek versus Jang Bahadur and 30 others, Sub-Judge of Gonda's Court

Advanced per mortgage of 21st March 1894 Rs 2,500, claimed Rs. 17,000.

(8)

There was a Budaun case in which for a bond of Rs 5,000 in 1892 which was executed for old bonds of Rs 2,500, and he later paid Rs 800, then a decree for Rs. 26,431 was passed in 1906, and later on it increased to Rs. 28,244 but the Sub-Judge exercised his direction in not allowing future interest, but on appeal the Honourable High Court ordered on 3rd December 1908 future interest as well, the judgement-debtor has paid by this time by sale, &c., Rs 20,000 and Rs. 19,000 are said to be still due We have here a liability of Rs. 2,500 which has swollen to that of Rs. 39,000

(9)

I had a few years ago a case of which I had experience in Meerut where for a bond of Rs. 200 a decree for Rs 4,000 was passed.

(10)

Ram Bakhsh versus Sayid Muhammad Khan, bond of April 1899 for Rs. 3,000, decreed on 6th June 1911 Rs. 15,619-1-7 in Jaunpur, and on 27th April 1912 till final decree it would amount to Rs 17,101.

(11)

The same parties, bond of Rs. 500 of 3rd December 1898, decrees on 22nd December 1910 for Rs. 2,600, would amount to Rs. 3,336 when decree becomes final.

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(12)

Chandhri Pirthi Singh versus Hardial and Huram and 20 others, no. 260 of 1907. Mortgage bond of 1887 for Rs. 1,300 Claimed and decreed after deduction of payment in 1912, Rs. 10,000

"I thought these few examples were sufficiently hard But I confess I was mistaken In a casual conversation only a few weeks ago with a very respectable gentleman, Lala Ghansamdas, Pleader of Meerut, I found that he scorned these examples as very ordinary ones. He had a judgement and decree in his hand (the certified copy of which judgement he gave me I have it now in my hand) What does Your Honour think is the ratio that the decretal amount bears to the capital that was advanced? Perhaps 20 times or 30 times or even 50 times? But no, including costs, it is nearly 200 times. The principal advanced was Rs 50, a suit for Rs 8,000 was filed, a decree for a few rupees less than Rs. 10,000 passed and is now under execution I refer to case no 530 of 1910 in the Court of the Second Additional Judge of Meerut, named Nihal Singh and others versus Bhodat, Lal Singh, minor, and others. It was only because the property concerned was worth Rs 10,000 only otherwise the deed executed in 1876 enabled the mortgagees to claim untold wealth. Such instances almost stagger men of balanced economic minds Granted that freedom of contract is a very good goddess, but humanity and a sense of proportion should also have some weight. These decrees of 160 to 200 times of the principal amount I should rather think should shame the profession of usury.

"I may here be permitted to remark that the broken-down Anglo-Indians and even a few Civilians suffer in these transactions. A Station Master not far distant from Delhi who borrowed Rs. 400 and paid for interest Rs 25 per month, i.e. nearly 100 per cent and after paying the interest Rs 300 per annum for some years had still to pay the principal. I had the story from a Judge of the Small Cause Court who by means of his moral influence got a little relief for the poor debtor.

"I am told that even to-day a case is pending in the court of Small Causes, Lucknow, where an Anglo-Indian lady is sued by an Afghan for a debt with interest at 12½ per cent per month, i.e. 150 per cent per annum

"Looking at such examples, I may be allowed to say with Alexander Pope.—

'Virtue I grant you, is an empty boast.

But shall the dignity of vice be lost.'

"I hope it will not be lost, not that honest money lending is any vice, and we will have in this attempt the cordial support of all the respectable lending classes. After all it is not the interest of any respectable member of the lending classes to countenance such doings, even on the lowest hedonistic consideration, for a time may soon come when indignation may become too great and legislation might be taken in hand in a spirit which would prejudice the just rights of even the respectable capitalist In this connection I would like to make a few suggestions in a tentative way. These are liable to be modified after discussion

"1 Let there be a registration of all the *bond fide* money lenders, and account-books with prescribed forms might be supplied to such as carry on transactions per *bahu-khata* and proper safeguards for the entry of payments and interest may be devised Any person found to indulge in sharp and unconscionable bargains might have his licence forfeited.

"2. There should be a provision that every one having an ample security who waits to sue the borrowers for an unreasonably long period should lose the interest of the period he has waited without any good reason. The 12 years' and other limitations do not at all safeguard the mortgagor or borrower, for any payment proved within 12 years or within the period of limitation presented by law gives a fresh start, and removes the bar to suit for a similar period.

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"3. At one time not more than four times the principal, i.e. the principal with interest 3 times the amount of principal, should be decreed. This would decree double the amount allowed by Hindu legislators

"4. In cases where the position of the contracting parties is not equal and the amount of interest with security is more than 12 per cent and without adequate security alone 18 per cent compound interest, the courts should have a discretion to allow only simple interest up to the rates of 12 per cent or 18 per cent respectively

"There may be other reasonable suggestions which would not affect the just rights of any class. It should be the earnest desire of the members of this Council to work in earnest for the welfare of the indigent and the toiling and the depressed classes, and save them so far as justice and forethought can do from ruin, even though it may be self-inflicted ruin. I believe and trust that Your Honour and the Government in helping in this undertaking will not have very serious opposition, for all communities have God-fearing and just men and they would never tarnish their reputation by opposing a just and reasonable arrangement. We should not look indifferently to these untold griefs of the millions, simply because they are not sufficiently organized or intelligent or strong, otherwise our pretensions of humanity and patriotism will be only an empty tale 'full of sound and fury signifying nothing'.

"There is another question to which I would like to refer, though I may not be able to do justice to it within a short time. It is the prevailing corruption in the *amla* or the ministerial departments, so much so, that if the moral improvement of this country and of this province is to be judged only by the rectitude and honesty of these gentry then it would be a very difficult question to decide whether modern education and the introduction of Western ideas has been helpful or otherwise to the public that has recourse to law and revenue courts and to the subordinate executive departments.

"I am sorry to say that the percentage of the dishonest ministerial officers, so far as is possible to judge from my knowledge of a few eastern districts, is unspeakably large. The numerous clerks and readers in the civil courts, original and appellate, and in the revenue courts, in the execution of decree branches, in the treasury and the treasurers' subordinates and the copying department daily prey upon the public to such an extent that the matter has now become a scandal of great magnitude. If the daily tips obtained by means of bothering the litigants and parties in an average district, excluding those obtained by the treasurers' people and the sub-registrars or their *amla*, be computed to amount only to Rs 400, they amount in a year of 270 working days, to Rs 1,08,000 per annum for every district. In all it amounts to a tax of more than 56 lakhs per annum. This is only in head quarters of the districts. If we add to it, what the *amla*, civil, criminal, revenue, judicial, registration, in the numerous tahsils, and munsifships, and qanungos and amins outside the head-quarter enclosures, eke out, even if the Municipal Officers are not taken into account, a similar sum should have to be added. This means that one crore, twelve lakhs of rupees per annum are paid by the public of these provinces every year.

"Those who are unacquainted with the detailed working of these departments may perhaps consider the above to be an exaggerated estimate, but I believe such members as have experience would think my figures err on the side of moderation. For if one wishes to present a plaint or an application, to want the number of a case or of an appeal, to know some date, to summon witnesses, to have an affidavit certified, to have a process served upon some party or some witness, to have an urgent order issued in time, to pay money into court, to get money out of court, to get the coins tested—which they always are—to have a document registered, to have it back from the registration office after due endorsement, to have the value of property estimated or property partitioned, (the *batwara* arrangements are specially defective) to have boundaries fixed, to execute a decree, to stop some

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execution in the due course of law, even whether to lose the case partially or win it wholly he must pay a tax on every occasion because it is the haq (due) of the officials in whose hand the work lies.

"As I said in connection with the question of interest and the exorbitant, and in some cases extortionate, demands of the money lender, made without any regard to the fitness of things and the immutable law of equity and proportion, so I may say with regard to this evil that a good deal of the sin lies at the door of the educated public. It may be said without the least fear of contradiction that in this matter the public assemblies, the municipalities, district boards, the congresses, the conferences, the anjuman and the sabhas are dumb and silent. This does not add to our self-respect, but the fact cannot be denied that no great or general sympathy has been bestowed by the speaking brotherhood on these suffering millions. Of late there appears to be some restless desire to see the state of things changed for the better, and I believe that, if these abuses are not considerably checked, the better instructed public would either give up having recourse to Courts of Law or would insist upon some drastic reforms. The profession of law, although itself suffering from these methods, and although it is ostensibly proud of its independence, has had no moral courage to set its face resolutely against these doings. The highest European officials perhaps, or even probably, are unaware of the extent of this corruption. The higher officials who are immediately in touch with these affairs know or rather suspect this state of things. But either they are too much immersed in their own work or the tradition has been handed down to them that no great good would come out of greater vigilance. Most of them console themselves under the technical ground that there was no legal proof of the complained corruption. They lay the flatteringunction to their souls that their duty ends in letting things alone and not disturbing the outward calm by perturbing the waters below.

"Unfortunately there is a feeling almost amounting to apathy regarding these transactions. This general apathy has engendered despair in the minds of the very few officials and non-officials interested in this reform. It is becoming a settled belief that nothing effective can be done. Let this belief remain, and of course nothing effective shall be done. But there are offices, and departments conducted by the very class of persons, just removed a few paces further from these places of corruption, and these are as pure as any in the best regulated countries in the world. I mean the telegraphic and postal departments. Of course there must be some reason for this better result arrived at. One of the reasons for the admirable conditions of these departments seem to me to be that their officers are never impatient, if and when they learn of any irregularity or mismanagement. They at once start an inquiry of the complaints lodged administratively. They themselves go to the houses of complainants to learn the true state of things. The second reason is that the Government conducts these departments on business principles. The other departments which have to deal with the litigating public or with the rent or revenue are conducted on *hukumat* principles. I fear that in the matter of having any tenderness for the economic well being of the public that goes to courts (and who, except the highest officials whose permanent residence is outside the country, at some time or other does not go to them?) the law—with its heavy duties in the shape of court fees, stamps and even sundry other dues invented by the mysterious practice of the court—sets up an example of indifference to the real complaints of the public. This tendency is very ably imitated by and improved upon by the ten thousand servants of the State. As the State seems to think that every one who comes to court is a concealed *lakhpati* (possessor of one hundred thousand rupees) and on every occasion wants him to pay something, so its lower servants think themselves justified in,

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execution in the due course of law, even whether to lose the case partially or win it wholly he must pay a tax on every occasion because it is the haq (due) of the officials in whose hand the work lies

"As I said in connection with the question of interest and the exorbitant, and in some cases extortionate, demands of the money lender, made without any regard to the fitness of things and the immutable law of equity and proportion, so I may say with regard to this evil that a good deal of the sin lies at the door of the educated public. It may be said without the least fear of contradiction that in this matter the public assemblies, the municipalities, district boards, the congresses, the conferences, the anjumans and the sabhas are dumb and silent. This does not add to our self-respect, but the fact cannot be denied that no great or general sympathy has been bestowed by the speaking brotherhood on these suffering millions. Of late there appears to be some restless desire to see the state of things changed for the better, and I believe that, if these abuses are not considerably checked, the better instructed public would either give up having recourse to Courts of Law or would insist upon some drastic reforms. The profession of law, although itself suffering from these methods, and although it is ostensibly proud of its independence, has had no moral courage to set its face resolutely against these doings. The highest European officials perhaps, or even probably, are unaware of the extent of this corruption. The higher officials who are immediately in touch with these affairs know or rather suspect this state of things. But either they are too much immersed in their own work or the tradition has been handed down to them that no great good would come out of greater vigilance. Most of them console themselves under the technical ground that there was no legal proof of the complained corruption. They lay the flattering unction to their souls that their duty ends in letting things alone and not disturbing the outward calm by perturbing the waters below.

"Unfortunately there is a feeling almost amounting to apathy regarding these transactions. This general apathy has engendered despair in the minds of the very few officials and non-officials interested in this reform. It is becoming a settled belief that nothing effective can be done. Let this belief remain, and of course nothing effective shall be done. But there are offices, and departments conducted by the very class of persons, just removed a few paces further from these places of corruption, and these are as pure as any in the best regulated countries in the world. I mean the telegraphic and postal departments. Of course there must be some reason for this better result arrived at. One of the reasons for the admirable conditions of these departments seem to me to be that their officers are never impatient, if and when they learn of any irregularity or mismanagement. They at once start an inquiry of the complaints lodged administratively. They themselves go to the houses of complainants to learn the true state of things. The second reason is that the Government conducts these departments on business principles. The other departments which have to deal with the litigating public or with the rent or revenue are conducted on *hukumat* principles. I fear that in the matter of having any tenderness for the economic well being of the public that goes to courts (and who, except the highest officials whose permanent residence is outside the country, at some time or other does not go to them?) the law—with its heavy duties in the shape of court fees, stamps and even sundry other dues invented by the mysterious practice of the court—sets up an example of indifference to the real complaints of the public. This tendency is very ably imitated by and improved upon by the ten thousand servants of the State. As the State seems to think that every one who comes to court is a concealed *lakhpati* (possessor of one hundred thousand rupees) and on every occasion wants him to pay something, so its lower servants think themselves justified in

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[*Khawaja Ghulam-us-Saghar*]

acting according to the well-known sarcastic saying of the immortal Sadi 'When the ruling power allows half an egg to be taken, the troopers would roast a thousand cocks and hens' It would be impossible in the course of the few minutes at my disposal to suggest detailed means how to remove this blot from the judicial and the executive systems. I think a small committee composed of officials and non-officials taking evidence in every district with power to make suggestions after investigating these things fully should be the first step in this direction. If the Government of India or Your Honour's Government were pleased to interest themselves in this matter actively the Government or the committee they appoint would have useful suggestions from independent persons

"It may be as well as that I may make a few suggestions, which, if acted upon, would reduce to a certain extent and reduce the extent of corruption in some matters

"1 The partition of houses and revenue-paying lands might be made through legal practitioners of respectability, when the parties agree to it, and not through the *amins*

"2 As to the treasurers and the clerks that take the revenue in the tahsil treasuries, a general complaint is that as a rule they reject or even clip a number of rupees without any reason, if the poor man who tenders money does not promptly pay their *haq*. What is even worse, men have to wait for days and suffer loss and damage due to their coming to pay the money by waiting for their turn. Perforce the zamindar has to pay a good commission. There should be money order forms of a definite colour for the purpose of paying Government revenue, and the Imperial Government might be moved to reduce the money order commission from 16 annas to 6 annas per cent. Similarly the treasurers, who are generally well-to-do bankers in the locality, should be strictly admonished to superintend the working of their subordinates carefully, and to dismiss them when credible complaints are received. Notices might be affixed in the vernaculars to the effect that no money is to be paid to the treasurers' cashiers, and some officer should be particularly charged to see that they give the public no good cause of complaint

"As to the ministerial clerks and the revenue subordinates like patwaris, and others it is very large question and cannot be adequately discussed at this stage. But briefly I may say they are overworked and underpaid and left free to roam at large in their pasture lands. Practice has made them bold and fearless. Punishment is an imaginary sanction only, while their *haq* is a utility fixed and embodied in the material world.

"There is only one more point I wish to refer to. It is that of the great scarcity of pasture lands. The grazing ground is being reduced daily as the price of land has enormously increased, the owners daily encroach upon *shamilat*. The result is that cattle are becoming fewer, milk dearer and more scarce, but the luxury of the richest only, and that even is of a doubtful quality. I would earnestly suggest that the question may be soon taken up. The United Provinces census report shows that more than 78 per cent. of the population derive their livelihood directly from land and agriculture. They of course would be immediately benefited.

"My suggestion is that a certain proportion of the land in every village should be acquired for pasture land. No one should be allowed to cultivate it, the Government may give up the land revenue and irrigate the land free. The village cattle should be allowed to graze in that pasture. If necessary a moderate tax might be levied upon the owners of cattle per head and the income may be distributed rateably between the Government and the landowners; and where the rural education is defective and sanitation committees are poor the income might be devoted to these heads, the decrease in the land revenue, by adopting a scheme like this, will be very

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[*The Maharaja of Balrampur*]

growing demand of education The building was started by private subscription. About two-thirds of the building has been constructed, but further progress has been stopped for lack of funds. My submission is that if a sum of Rs. 10,000 is also given to this school, the entire building will be completed before the advent of the rains and the students will be comfortably located in the building under construction, and the immediate result will be that the number of the scholars will at once increase to its maximum limit, the present number being 194 "

The Hon'ble the MAHARAJA OF BALRAMPUR said —

" I beg permission to offer a few remarks on the revised financial statement for the current year which was formally presented to the members by the Hon'ble the Financial Secretary at the Council meeting held on the 13th March and was again presented in the final form at last Council meeting

" The provincial income for the current year including special grants made by the Imperial Government is estimated (in round figures) at Rs. 6,32,76,000 and the expenditure at Rs. 6,71,24,000, leaving a deficit on the year's budget of about 38½ lakhs, which is converted into a surplus by the addition of the opening balance of Rs 1,69,63,000, leaving a closing balance of Rs 1,31,15,000 As the compulsory minimum balance prescribed by the Government of India is 20 lakhs, the net surplus on the year's working is over 111 lakhs, which is quite satisfactory. But our provincial solvency depends mainly on the bounty of the Government of India, which has generously assigned special grants aggregating about 44 lakhs to assist provincial revenues during the present year.

" There is a faint trace of anxiety in the financial statement, due to the excess of expenditure over income in a budget which does not provide for any expenditure which may really be called abnormal, but which leaves out several desirable items of expenditure. Representations have very often been made in the local and Imperial Councils that, whereas Bengal is permitted to retain about 62½ per cent of its annual revenue, Bombay about 70 per cent, the Punjab about 53½ per cent, Burma about 61 per cent, the Central Provinces about 75½ per cent, the United Provinces is allowed to retain, I think, only about 52½ per cent, of its revenue. It was recently said in the Imperial Council that we had built up such substantial balances within the last few years, and had a margin between revenue and expenditure so adequate that we were not only well-to-do for the present but were well protected for the future. But the question is whether the low standards of expenditure, as compared with other provinces, to which we have been accustomed for many years past, and the permanent financial settlement made with us about 2 years ago, are adequate to the growing needs of the United Provinces, and the rapid progress in all directions which the other provinces are making. In the opinion of your distinguished predecessor there were many urgent reforms involving recurring expenditure which could not possibly be carried out under the terms of the present financial contract. It is for Your Honour to judge whether or not it would be desirable at some future time to make a representation to the Government of India on the subject. If our claim to more favourable treatment at the hands of the Government of India is based on reason and justice, I feel sure that Your Honour, with your unsurpassed financial genius, could make out such a strong case as would be irresistible.

" During the past year there were substantial increases of revenue under stamps, excise, forests, irrigation and interest, which are attributed to agricultural prosperity. It is difficult to judge whether the progressive increase under stamps and excise is a healthy sign or the reverse. On the face of it it appears that litigation at least is increasing. But if the increase of income under the above two heads is a sign of general prosperity, the question is whether, *pari passu* with the enhanced spending power of the people, the standard of living is rising. If it is not rising, then the

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[*The Maharaja of Bahampur*]

ascending income from the above two sources is not a healthy sign. It is not necessary to pursue the subject any further.

"It is satisfactory to note that the additional grants sanctioned by the Imperial Government for the Allahabad University, for secondary English schools and for hostels were to have been utilized in full during the preceding year. In the current year's budget substantial sums have been allotted to primary and secondary education and to girls' education, but the sum allocated to technical and special education is rather meagre.

"About this time last year half the deaths from plague in India were occurring in these provinces. At the present moment more than three-fourths of the deaths from plague throughout India take place in the United Provinces. In view of the above facts, it is not very clear why the allotment for plague for the past year was not fully worked up to. A lakh of rupees, which was unluckily allowed to lapse, would have eased the sufferings of many a poor patient stricken with plague. I am very much afraid that for some time to come the plague will play havoc in these provinces, until it please God to grant us relief. It is not for me to suggest what measures are called for to protect the people from the scourge. Camps of thatched shanties in suitable places away from infected areas, under the protection of the police, and provided with medical attendance and the necessaries of life, coupled with efficient ward and watch of the quarters evacuated by patients camping out, ought to go a long way in mitigating the horrors of plague and reconciling the people to their fate. A reasonable charge for the above service could be levied from those who can afford to pay. If it is incumbent to save human lives during famine, it is, I venture to think, equally incumbent to try to alleviate human suffering during the prevalence of plague. Inoculation for plague is not likely to make much head-way unless the people have facilities for evacuating their houses, with the assurance that their deserted dwellings be effectually protected against fire and theft, they themselves well cared for and provided with necessary comforts during their sojourn in camps. After decimating Bombay and the Punjab, it seems as if the plague has come to make a lodgement in these provinces for some years. The prospect is most appalling, and I venture to think that no reasonable expenditure ought to be judged to check its progress and to mitigate its ravages. I beg to express the humble hope that Your Honour, the Hon'ble Colonel Manifold and Your Honour's Government will be so kind as to devise some effectual means to repel the further onset of plague and to bring some hope and solace to the homes of the doomed. It is most gratifying that substantial sums have been allotted for the current year to education and sanitation, two of the crying needs of the province.

"We are all convinced that the financial administration of these provinces will leave nothing to be desired under Your Honour's régime and that we shall be blessed with uninterrupted peace, progress and contentment."

The Council was then adjourned till Tuesday, the 15th April, 1913, at 10-30 a.m.

LUCKNOW.

The 14th April, 1913.

W. K. PORTER,
Secretary, Legislative Council,
United Provinces.

APPENDIX I.

STATEMENT OF GRANTS TO FIRST CLASS MUNICIPALITIES.

I.—Non-recurring grants in the ten years ending the year 1911-12.

| | | | | Rs |
|-----------|-----|-----|-----|----------|
| Agra | .. | .. | ... | 1,16,700 |
| Allahabad | .. | ... | ... | 3,10,374 |
| Bareilly | - | ... | ... | nil |
| Benares | ... | ... | ... | 75,000 |
| Cawnpore | ... | ... | ... | 40,000 |
| Lucknow | . | .. | . | 2,65,000 |
| Meerut | . | . | .. | 36,450 |

II —Recurring grants in the ten years ending the year 1911-12

Agra—Rupees 15,000 a year from the year 1906-7. Previous to that year the municipal board used to receive the receipts from tolls on bridges. When the tolls ceased to be levied, a special subvention was made in view of the unsatisfactory state of the municipal finances

Allahabad—Rupees 19,239 a year This represents a subsidy given from the year 1902-3 in compensation for the loss sustained by the municipal fund on the transfer of certain nazul lands from the control of the board. Originally the amount was fixed at Rs. 20,000, but in view of subsequent minor transfers of land in the year 1911-12 the subsidy has been reduced to Rs 19,239.

Cawnpore.—Rupees 2,400 a year has been given from the year 1900-1 to the municipal board in settlement of questions concerned with the control of nazul lands.

Lucknow—Rupees 25,000 has been paid to the municipal board since 1896-7 in fulfilment of a guarantee made in connection with the installation of the piped water-supply and in compensation for loss of income from intra-municipal nazul lands

Meerut—Has from 1910-11 received a recurring grant of Rs. 750 for the upkeep of the Chhapakhana lands.

APPENDIX II.

*Expenditure on "Other works, construction" in the first class municipalities
in the year 1911-12.*

| | | | | | | Rs. |
|-----------|-----|-----|-----|-----|-----|--------|
| Agra | ... | ... | ... | ... | ... | 1,162 |
| Allahabad | ... | ... | ... | ... | ... | 30,381 |
| Bareilly | ... | ... | ... | ... | ... | 23,090 |
| Benares | ... | ... | ... | ... | ... | 66,962 |
| Cawnpore | ... | .. | ... | ... | ... | 23,415 |
| Lucknow | ... | . . | ... | . . | ... | 17,632 |
| Meerut | ... | ... | ... | ... | ... | 9,993 |

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[Raja Sir Muhammad Tasadduq Rasul Khan]

small and it would soon be recovered by the improvement in the breeds of cattle which would increase income tax directly and the land tax indirectly."

The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN said —

"I beg to offer my hearty congratulations to the Hon'ble Mr. Pim for the able manner in which he has produced and explained the very complex questions of the budget accounts. Experts only in the Accounts Department are aware of this difficult duty which Mr. Pim has performed with accuracy and descriptive elegance.

"The allotment provided for the improvement and revision of the Deputy Collectors' Cadre in the Budget Estimate for the year 1912-13 was not expended owing to the late receipt of sanction from the office of the Secretary of State. It is hoped that the scheme, as sanctioned by the Secretary of State, will be enforced in full without any further delay. The scheme for the introduction of Mr. Pike's recommendations, as to the revision of the pay of establishment, was expected to come in force by the 1st April 1913, but we have recently been given to understand that this scheme as well stands in need of its sanction by the Secretary of State. The members of this staff were eagerly awaiting the introduction of this scheme by the 1st April 1913, but since it is still in suspense their disappointment knows no bounds. I would therefore recommend that the sanction of the Secretary of State to this scheme may be obtained with retrospective effect from the 1st April 1913.

"The educational needs of our province are the basis of our general progress, without which our existence in this world would be of no consequence. The announcement made on the 6th January 1912, by our most beloved King-Emperor, in reply to the address presented to His Majesty by the Calcutta University, is worthy of being engraved in golden letters on the minds of the Indian population, and the most exhaustive resolution in support of the said announcement, promulgated by the Government of India, is indicative of the fact that our Government is in all readiness to meet our educational wants with generous contributions. Female education is in close affinity with that of the males, and no country can prosper unless its female population is afforded the same privileges of education and stands side by side on the same level of educational status with the males. In view of the present needs of our provinces in this behalf, it is only enough that instead of formulating any fresh scheme for the introduction of female education, the already existing schools of different nationalities, in which female education is imparted, should, where it is necessary, be encouraged by generous pecuniary gifts by the Government. It is simultaneously expedient that the education of our females should be conducted within the limits of religious mediocrity with due regard to our social manners and customs. The several girls' schools which are at present in existence, are not and all of them in need of encouragement by pecuniary help, which can be met with from the generous recurring and non-recurring grants which the Government has provided in the new budget estimate for the ensuing year and out of which only Rs. 70,000 has been exclusively allotted for the education of girls. Under this head it would not be out of place for me to mention the necessity of opening a branch, on a smaller scale, of agricultural education in the primary schools, which will prove of professional importance to the agriculturists whose young progeny will thereby have a chance of receiving useful training according to their professional tastes and traditional requirement.

"The stock of medicines in the Sadr and Mufassil dispensaries is very poor, and to this state of things is owing much of the unpopularity of these institutions. The patients habitually shrink from resorting to these dispensaries where they are not treated with proper medicines and do not therefore get over their complaints with due promptness and facility. To remove this evil is a great want, inasmuch as the whole system of medical treatment and its working absolutely depends upon its

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[*Raja Sir Muhammad Tasaddug Rasul Khan*]

approval by the general public. It has been that on many occasions indigent patients who offer to stay in the hospitals for medical aid, do not receive any help in the shape of food. What are we to say of the mufassil, where there is neither accommodation nor dieting arrangements in the dispensaries? In my opinion at the outlying places where medical help is so scarce the indigent patients, at least not less than five in number at a time, should have the chance of being properly fed and accommodated and served with proper medicinal requisites. I would go a step further and recommend that intelligent male servants of a good class may be entertained and made into ward-orderlies. They should undergo training in large hospitals, like the Balrampur at Lucknow, and be taught nursing, and after a six months' training when they have learnt their work they should be sent out to different hospitals, 3 per hospital, two Hindus and one Muhammadan. These men should do no other work than the nursing and care of the male patients. As regards the female nurses whose want is so great, I would propose that branches of Lady Minto's Nurses, training school should be opened at different central places where local women may have the chance and close temptation of being trained in nursing and come out in sufficient numbers available for employment in the Sadr and Mufassil hospitals.

"There is another question relating to the pay of the compounders, which is unusually low, and the difficulties arising out of these low-paid underlings are quite evident. The comparatively expensive cost of living at the present day justifies an increase at the pay of these officials.

"As a remedy to the evils I have been able to point out, I would say that since the Government has remitted to the District Boards the money appropriated from the cesses on account of police charges, these Boards are expected to be in a better financial position in future, and if they are advised they would very gladly volunteer to devote a sufficiently decent amount of their new income to the foregoing wants of the Sadr and Mufassil hospitals.

"The administration of police under the control of the Hon'ble Mr. Douglas Straight has been very sound and wholesome. There has been marked progress in this department during his tenure of office and a sufficient amount of inducement has been offered to the young generation of Indian gentry to choose this line of service as a favourable start of their official career. It is essentially necessary that the police officers should have an extensive and complete experience of all the local matters in their respective districts, and it is, in my opinion, detrimental to the interests of the district administration to make constant transfers among the Police Superintendents from one district to another. I would add that if Deputy Superintendents of solid experience be permanently promoted to the office of the Police Superintendents it will increase the reputation of the service and ensure free and efficient despatch of business.

"Sanitation and education are the household words of every corner in India. In view of the epidemic of plague which has been formidably rife for a number of years in this country, and to which hundreds of thousands of the Indian population have fallen victims, we are quite justified in paying our fullest attention to the needs of sanitation.

"There is absolutely little or no help in the shape of food or medicine for the masses of the population in the rural areas and towns and cities when such areas are unluckily visited by the epidemics like plague, malaria and cholera, &c. The rural people when confronted with this terrible wrath of God ordinarily resort to the common way of segregation by fleeing into jungles where the poorer classes suffer formidably. The owners of the houses and the houses both suffer alike. It is indispensably necessary that plague huts be constructed in the vicinity of villages and suitable arrangements made for the protection of people segregating to these

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[Munshi Narsingh Prasad.]

"I now proceed to enter upon the very delicate question of lapses to Government at the close of the financial year, the remedy whereof lies in our own hands. These unexpended allotments of the budget which finally lapse to the Government have been shown in the financial statement, instances of which are given below —

- (1) Under police a sum of Rs. 1,80,000 for reforms lapsed to the Government.
- (2) The lump allotment of Rs. 10,000 for the establishment of a constables' training school has also lapsed.
- (3) Out of the non-recurring provision of Rs. 4,59,000 in the current year's budget lapses aggregating Rs. 49,000 were reported under the head of education.
- (4) Under the head "Irrigation" a decrease in the expenditure has occurred owing chiefly to the non-utilization of the provision for the Nuh-Jhal project in the Muttra district.
- (5) A net lapse of Rs. 1,89,000 occurred under the head "Civil works."

"Such items in general, and under the head of "Civil Works" in particular, remain unexpended at the close of the year owing to the delay in the preparation and sanction of the schemes for such items. In my opinion, therefore, every department submitting its budget should also along with the budget send the connected ready-made scheme for sanction, so that for want of the same the expenditure may not have to stand over, and that properly checked and sure proposals only should be put forward which are liable to be put into effect within the course of the year.

"Agriculture is a branch of the Scientific Department. For this branch the Government has sanctioned a provision of over 9 lakhs for the year 1913-14, which includes very useful items of expenses to the good of our country. The appointment of a new Assistant Director of Agriculture, a Sugarcane Engineer, a third Deputy Director of Agriculture and of a few more new overseers, goes to show the extensive wants and purposes of the department. I may, however, add that the importance and utility of this branch should be more fairly impressed upon and widely made known to the public, and with a view to fulfil this purpose I propose that small farms at suitable places in the districts be opened, where foreign grain be sown and useful agricultural implements be made use of in the cultivation of the soil. This will tempt the local inhabitants to enter upon new methods of cultivation by the use of new implements and good foreign seeds. For instance, the cultivation of cotton is not making proper strides to the improvement aimed at, and the tenants are generally ignorant of the multifarious cotton products. There are of course grand farms in some districts, but they do not offer any inducement to far and distant areas of the rural population in other districts. As the cultivation of poppy seeds is immensely slackening, other agricultural steps should be impressed upon the public. If it be impossible to open the proposed farms at all district head-quarters, I would suggest that an annual agricultural show be held in each District under the supervision of the District Board.

"In conclusion I have to offer my best thanks to His Honour for the very good proposal he has made of starting a Council Library at Lucknow, which would relieve us of the occasional necessity of important references to the administrative reports and other books of importance, and place at our disposal a decent stock of all literary materials for ready reference."

The Hon'ble MUNSHI NARSINGH PRASAD made the following speech:—

"The unfair treatment that our provinces have been receiving for some time past at the hands of the Government of India in the matter of financial settlement, as compared with the other provinces, has long been a matter of complaint with us.

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[Munshi Narsingh Prasad]

The justness of our claims has repeatedly been pressed upon the attention of the Government of India, and by none more eloquently and forcefully than by Your Honour's distinguished predecessor in office. We had hoped that the appeal of Sir John Hewett, in his last official utterance as the responsible head of the administration, would move the Imperial Government to give us, for our ever-growing needs, the share of our revenues to which, from every point of view, we are entitled. But it is a matter for regret that the Government of India have not seen their way to allowing us to retain a one-half share of the land revenue of our provinces, which is the minimum they have been allowing to every other province, and though in this respect our just grievance remains still undressed, yet we must heartily and gratefully acknowledge the large Imperial grants that were made last year and the liberal assignments, recurring as well as non-recurring, that have been recently announced by the Government of India for our provinces. The assistance thus rendered has gone far towards relieving our financial difficulties and will enable us to do our duty by the people to an appreciable extent in the matter of education, sanitation and improvements in general administration. But the general weakness of our financial position has been well indicated by the Hon'ble Mr. Pim in the remark that 'while provincial income has shown a most welcome and unexpected degree of elasticity, it is at the same time obvious that great care still continues to be necessary in controlling the finances of the province.' Looking at the figures, we find that, after deducting the special grants, the provincial income falls below the expenditure by a large sum. It is a matter for serious concern that ordinary expenditure should exceed ordinary income in a normal year. The question, as the Hon'ble the Financial Secretary put it, 'whether the deficit on the year's budget is greater than is prudent, considering the state of our balances, and whether the recurring expenditure, present and prospective, is fully covered by normal recurring income,' is one that cannot be answered with any degree of definiteness. But bearing in mind that our budget is 'more or less a gamble in rain,' we should leave, besides the minimum balance, an available margin for temporary variations and for meeting the ever-growing demands of the various departments of the administration. The situation we are in makes it imperative that the control of expenditure, as far as it may be consistent with efficiency, should be the one thing aimed at. I do not, however, mean to suggest that there is any extravagance in the budget which has been so carefully prepared and so ably elucidated by the Hon'ble the Financial Secretary. On the contrary, it is a pleasure to acknowledge that great regard for economy has been shown in the preparation of the budget. But I bring the question of the control of expenditure to Your Honour's notice because I find that there is a proposal on foot for carving out a portion of the Gorakhpur district and turning the portion so carved out into another district, which must necessarily involve heavy recurring and non-recurring expenditure. The present Gorakhpur district is no doubt too big for one district officer to administer properly, but if two such officers are placed in charge of the district, with defined powers and duties, the present congestion of work will be removed altogether and the expenditure consequent thereon will not be a heavy drain on the provincial exchequer.

"In discussing the budget, I cannot help recurring to the subject of education, not because it is a subject easy to deal with, nor because it is customary to ask for more and more allotments for education, but because it is a matter of supreme importance,—a matter that lies closest to the hearts of the people. We long to see the day when the educational budget will no longer be lower than the police budget, but will be far above it and be commensurate with the needs and requirements of the province, when sufficient provision will be made to make education so widespread that every boy and girl will be properly educated and will know and feel what his duty is towards his fellowmen and the State, when less of outside

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[Munshi Narayn Singh Prasad.]

influence will be needed, than is the case at present, for the prevention of crime and for the preservation of peace and when the light of knowledge will illumine the minds of our people and put them in a position to find out ways and means for improving and bettering their economical and industrial condition. The subject was discussed threadbare in the discussion that took place very recently when the resolution of my friend, the Hon'ble Dr. Tej Bahadur Sapru, asking for an increased grant for education, took place, and he very ably showed by facts and figures how backward we are educationally. I do not wish to go over the same ground again. But I would, with Your Honour's permission, draw attention to some important questions.

"I rejoice to find that His Imperial Majesty's visit to India and the great interest shown by him in the education of his Indian subjects, has ushered a new era of educational progress and has given a great impetus to the cause of education. It is a matter of sincere satisfaction to find that the Government of India and the local Governments are loyally endeavouring to carry out his Majesty's wishes in this matter. The result has been a recurring grant to us of 7 lakhs out of the Darbar grant of 50 lakhs, followed by a recurring grant of Rs. 6,38,000 and a non-recurring grant of Rs. 42,25,000 for the current year which have been earmarked for various objects. I regret, however, to find that the full amount of the last year's grant was not spent within the year, and this gave an opportunity to the Hon'ble Sir Harcourt Butler to oppose the resolution of our representative in the Supreme Legislative Council for an increased grant to education for our provinces. I hope no such occasion will again be afforded to the Government of India to deny us what we really stand in need of. We are already suffering the consequences of having spent little in the years gone by, with the result that the other provinces which used to spend much have been dealt with more liberally than we who had been spending little, and I trust we shall not be repeating the mistake.

"The Government of India's education grant, namely Rs. 42,25,000 non-recurring and Rs. 6,38,000 recurring, has been allotted to different objects, though the local Government has been given some discretion to transfer money from one head to another. It would have been better if the Government of India had not earmarked these grants for special purposes but had given us a freer hand in the selection of the objects for which the money could be spent. But still we are thankful to the Government of India that they have not tied our hands altogether. The allotment for primary education, recurring and non-recurring, is quite proportionate to the necessity and importance of the subject and to the total amount of the grant. But the provision for secondary education is meagre. The Government have embarked upon a policy of educational expansion all round. The extension of primary education would lead inevitably to an increase in the number of students in secondary schools. The enforcement of the 15 square feet rule for each student, the limit of 33 students in a class and the raising of school fees are already keeping out a number of our boys from schools and have considerably stopped the admission of aspirants for secondary education. It, therefore, becomes our paramount duty to make some provision for these classes of students, so that the progressive policy of education, recently inaugurated under the auspices of his Imperial Majesty, may not receive a set-back. The present policy of maintaining a high school in every district is good indeed, but it does not meet fully the requirements of the people. I would venture to suggest that the Government should try to start schools aided by grants in those places where there is an admitted necessity for them. And here I must gratefully acknowledge the sympathetic attitude of the Government in the matter of grants-in-aid and building grants to private and aided schools. These, however, require to be largely extended. Though

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the allotment by the Government of India of its grants to various objects has been made with due regard to their urgency and necessity, yet I cannot help thinking that the allotment of Rs 8,25,000 non-recurring for hostels is rather excessive considering the claims of the other items of the educational programme. In my humble opinion, imposing buildings are not so much required, hostels are not so much needed and the other comparatively luxurious paraphernalia of education are not so much in demand as the extension of secondary education to all such boys as are desirous of obtaining it. I do not wish in the least to detract from the importance of hostels. They are useful no doubt, but I would rather have a larger number of boys receiving secondary education than a small and limited number housed in commodious and imposing buildings, and before hostels are built I would have a sufficient number of secondary schools started and provided for in order to meet the present-day requirements. In this view I beg to suggest that the hostel grant be reduced by Rs 3,25,000 and the money be spent on the expansion of secondary education. The allotment of Rs 55,000 non-recurring and Rs. 80,000 recurring for European education is disproportionately high, considering the population for which this provision has been made. I beg, therefore, to suggest that the allotment be reduced by Rs. 2,50,000 non-recurring and Rs. 30,000 recurring, and the saving thus effected be utilized for the expansion of secondary education. I hope that Your Honour will be pleased to consider these suggestions and to make recommendations to the Government of India for the necessary transfer from one head to another.

"And here I would invite Your Honour's attention to the urgent necessity of having a first grade college at Gorakhpur by giving such aid to the Gorakhpur St. Andrew's College as would enable it to open higher classes. There is no college in the Gorakhpur division. Benares, Lucknow and Allahabad are at a distance of 150 to 200 miles from Gorakhpur and the journey to these places takes from 12 to 15 hours. The increased cost of living at these places deter parents from sending their boys to distant colleges. In your reply to the address of welcome presented by the Gorakhpur municipal board you were pleased to recognize the necessity of such a college there, but you deferred the consideration of the question to a later date. In view of the liberal grants of the Government of India, both recurring and non-recurring, I take the liberty of again inviting Your Honour's attention to the matter and express a hope that you may be pleased to give us an amount that would be sufficient to raise the St. Andrew's College to the status of a first-grade institution. The existing seven high schools would serve as sufficient feeders for the proposed college. The college, well equipped and well provided for, will prove a real and lasting boon to the residents of the Gorakhpur division and they will long remember Your Honour as a great benefactor.

"Next in importance to education, or rather of equal importance with it, comes the question of sanitation which, until recently, did not receive from the Government that attention which the importance of it, as affecting the health and lives of millions of people, deserves. There are signs of a sanitary awakening here, and we are extremely grateful to Your Honour's Government for the great interest that is being shown in this all-important subject and for the allotments and grants that have been made for the improvement of sanitation. The provisions for the new service of municipal health officers and sanitary inspectors and for raising the pay of assistant surgeons are steps in the right direction. That something is being done is undisputed, but it is equally unquestionable that what has been and is being done is comparatively very little by the side of what has to be done. Much has been done of late to improve the sanitation of big towns and cities, but the extent of the leeway which has yet to be made up can best be judged when we take into consideration the lamentably high mortality which, during the last decade and over,

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has been the characteristic feature of the province. The recent census reveals a most deplorable state of affairs in the province. Plague, cholera, malaria and respiratory diseases have claimed a large portion of our population as their victims. Mortality among children has also increased. High as the death-rate has been in the province as a whole, it has become still higher in municipal areas. In spite of the little that has been done by the Government to remedy the present state of affairs, the situation is almost as bad as ever and there is not much from which we can derive consolation. No doubt the problem of public health is closely connected with the condition of the people and their habits and modes of life, and Government measures for sanitation will not produce any lasting benefit unless and until the great mass of hopeless ignorance and superstition in which the masses are steeped is removed. This can only be done in that distant future, the signs of which are apparent on the horizon, when every person will have received at least elementary education and be able to find out for himself how to keep his house and surroundings healthy and clean. But till that millennium is reached, will not Government be doing well in teaching the people the value of simple hygienic measures, in persuading them to clear up and deposit refuse outside the inhabited area and in inducing them to keep the water of drinking wells and tanks clean and unpolluted and to build healthy and ventilated houses in place of the hovels which are unfit for human habitation? 'Our first and signal objective is,' as the Hon'ble Sir Harcourt Butler observed in November last in opening the second All-India Sanitary Conference at Madras, 'to educate the people as to the value and necessity of measures for protecting them in their homes and their lives and those dearest to them from the ravages of plague, malaria, cholera and other communicable diseases and all the miseries that follow in their train.' I think it will be useful for improving the health of villages if a small board or committee were appointed in each village to look after its sanitation. In places where Act XX of 1856 is in force, the committee appointed under its provisions might be asked to undertake the above duties. In other places it will, I hope, not be difficult to find a small number of men, say 2 or 3, who will be intelligent and willing enough to discharge those duties. A beginning might at any rate be made in places where such men are available. Provision could easily be made for the supervision of the work of these boards or committees and some money could with advantage be placed in their hands for carrying out necessary measures.

"Coming to big towns and cities the questions relating to public health that confront us become more numerous and difficult. A scientific drainage system, the problem of the housing of the people and the preventing of overcrowding in small places, the building of the model houses and the introduction on modern lines of town-planning schemes, the removal of the congestion of population by opening out overcrowded streets, the supply of pure water and pure and unadulterated milk and the products thereof, the providing of open spaces for the recreation of people, —these, among many others, are matters which call for urgent attention. But the income of our municipalities is hardly adequate for the efficient performance of the duties cast upon them and the abnormal and heavy expenditure consequent on the carrying out of big sanitary schemes can only be met by liberal assistance from the Government.

"Speaking of the division which I have the honour to represent here, I cannot help inviting Your Honour's attention to the persistence with which plague has been doing havoc in all the three districts of the Gorakhpur division. The outlook is most gloomy and despairing and the same is the case with the neighbouring districts of Ballia and Ghazipur. It is now high time that some inquiry were made into the causes that lead to this fearful state of affairs in the above tract and that a large allotment out of the Government of India's sanitation grant be made for the

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improvement of the sanitation of the above five districts. The health of the Gorakhpur municipality has been so unsatisfactory that its population has dwindled down in the last decade from 62,000 to 48,000 in spite of the large influx of people from outside owing to the Bengal and North-Western Railway workshops. I would, therefore request Your Honour to give to the Gorakhpur municipality a sum of at least two lakhs of rupees out of the Government of India's non-recurring sanitation grant of 27 lakhs for improving the drainage of the town and for opening out congested areas. The Gorakhpur municipal board is not in a position to meet the heavy expenditure consequent on the carrying out of the above schemes, and it is therefore that I ask the assistance of Your Honour's Government. What I am asking for is not too much, because most of the other towns have in the past as well as in the present year received liberal assistance from the Government for carrying out sanitary schemes, and there is no reason why Gorakhpur should remain unprovided for.

"I must not omit to thank Your Honour on behalf of the people of Gorakhpur for the provision of Rs. 1,200 for the appointment of ten extra court clerks for ejectment suits for eight months in the Gorakhpur district and Rs. 1,200 for the appointment of ten extra court clerks for eight months to deal with the execution of decrees in ejectment cases in the same district. I also thank Your Honour for providing in the budget a sum of Rs. 8,000 recurring and a sum of Rs. 50,000 non-recurring for a sugarcane farm in the Gorakhpur district. These provisions have been greatly appreciated by the people of Gorakhpur.

"I cannot close my remarks without saying that Your Honour's assumption of the reins of the Government of these provinces has been hailed by the people with delight. Your Honour's genuine sympathy with the people and the interest shown by you in their hopes and aspirations, have engendered in their minds a hope that during Your Honour's administration their rights and privileges will be respected, their aspirations encouraged and vigorous measures taken to redress grievances wherever they may be found to exist."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said —

"In the very first year of your administration, it must be a matter of great satisfaction to you, as no doubt it is to the people placed under your charge, that the Government of India should have done partial justice in our financial relations with it, in allotting 29½ lakhs of rupees to place the finances of district boards on a sound basis. This is only a partial satisfaction of our claims for justice, and I am sure Your Honour will at an early date support the strong representation made by your distinguished predecessor to have our full share of the land revenue and to secure the same treatment in fixing the financial settlement which is accorded to the sister provinces. All the same, we are under deep obligations to the Government of India and its retiring Finance Minister, who has made his already memorable term of office beneficent by grants which should make the financial position of local bodies sound: we must also heartily thank the Government of India for the doles which it has been pleased to grant for promotion of education and carrying out sanitary improvement.

"In connection with these grants, one may be permitted to indulge in a little criticism of the ways in which these doles are earmarked. I wish the Government of India had allowed the provincial Governments greater elasticity and freedom in spending money in consultation with the members of their Councils. For instance, in making educational grants, the Government of India have laid down that out of the recurring grant of Rs. 6 lakhs 38 thousand, 80 thousand rupees should be allotted to European education, and out of non-recurring grant of 42½ lakhs for education it has asked the provincial Governments to give away 5 lakhs and 50 thousand for European education. Now I cannot understand on what principle the distribution

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of money has been made. Far be it from me to discourage expenditure of money on European education, but there must be some principle on which money should be earmarked for the education of the children of different communities. In the matter of grants-in-aid the Education department treats European schools very liberally. Out of Rs. 9,11,500 proposed to be spent under the head of grants-in-aid, Rs. 3,21,300 have been allotted for European schools under code, an increase of Rs. 32,300 over last year's expenditure, while to all other private schools, in which I believe are included Hindu, Muhammadan and missionary institutions not more than Rs. 3,00,506 could be allotted. The number of European children of school-going age must be very limited indeed. According to the last census, there were 17,752 European British subjects in these provinces, with 2,511 children of both sexes in two age periods of 0 to 12 and 12 to 15. Of 17,752 European British subjects, 4,686 persons with 1,644 children under 15 years are Anglo-Indians. An expenditure of about Rs. 25 per head on every boy and girl of the Anglo-Indian community was surely large enough and one would like to know the ground on which an addition of 25 per cent. has been considered desirable. I hope these figures will be carefully examined, and, as desired by the Government of India, the local Government will apply for transfer of funds from one head to another to enable it to spend more money on secondary and primary schools. It is our misfortune that, while other provinces are making progress, we stand still. In 1906-07, we had 108 high schools. In the last five years we could not raise that number beyond 115. The number of primary schools stood in 1906-7 at 9,745. At the end of 1911-12 we had only 9,558 the increase in the number of scholars has also been very poor. It is a pity that the Government of India should have asked us to spend only 3 lakhs out of non-recurring grant on girls' schools. Every pie that can be saved from non-recurring grants should be allotted towards the expenditure on school buildings. I do not know how many of the existing 9,558 primary schools have their own buildings. I know that very few schools in large cities and head quarters of districts have their own buildings. They generally meet in hired buildings which have no compound, no play-ground, and generally in quarters where the study of little children is disturbed. I trust that the Rs. 15 lakhs earmarked for elementary schools will be spent in providing primary schools with their own buildings, so that by this time next year we may have at least all over the province one thousand primary schools in their own buildings.

"In both recurring and non-recurring grants, allotments have been made for colleges and training institutions. I earnestly request Your Honour to make an allotment to the Canning College to make proper provision for legal education, in the province of Oudh. Three years ago, acting under the advice of Sir John Hewett, the Committee of the Canning College very reluctantly abolished its law classes, and thus, if I may say so, inflicted a great wrong on the middle class people of the province and in particular those of the city of Lucknow. The number of Oudh graduates who get themselves admitted in the law College at Allahabad is very limited and young men from the districts of Oudh are put to extreme inconvenience by being asked to proceed to stay at Allahabad for two years. Many of the students who could pass law examinations by being day scholars in the Canning College, young men who after graduating used to supplement the limited income of their parents by undertaking some light work, find the door of law classes closed against them. It is not necessary for me to dilate at length on the necessity of having a first grade second law college at Lucknow. The expense of maintaining one cannot be prohibitive, as the law colleges to some extent pay their way. The Government has very properly allowed the Aligarh College to maintain law classes. The Agra College continues to have its law

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classes why should, may I ask, the Canning College be prevented from having its own law classes why should the boys from poor middle classes of Lucknow be compelled to proceed from there to Allahabad, Aligarh or Agra for receiving legal education?

"While referring to educational topics, I may be permitted to congratulate Your Honour on the statesmanlike and courageous step taken by you in paying a visit to the band of patriotic educationists, who, under the leadership and wise guidance of Mahatma Munshi Ram, are carrying out a unique experiment of conducting education on national lines for men who have taken what is best in the West yet are not willing to part with Eastern ideals. I venture to characterize Your Honour's visit to the Gurukul as a courageous step, because I know there are not a few officials in these provinces, who, on reports received from misinformed or interested persons, did not hesitate to entertain a suspicion that the Gurukul was an institution brought into existence to produce fanatics likely to disturb the peaceful evolution of India. Your Honour's visit and the pronouncement you made there will I hope make those unfriendly critics reconsider their opinions. These gentlemen, while on the one hand they condemn Indians because in every little thing they seek the patronage of officials, do not hesitate on the other hand to become suspicious of the motives of self-respecting people who desire to stand on their own legs and work out their own destiny. Your Honour, while offering great encouragement to the gentlemen who are engaged in the noble work of the moral and spiritual elevation of the people, will bring the Government into closer touch with persons whose hearts beat with the unexceptionable desire to see their motherland once more worthy of its glorious past.

"Your Honour is aware that thousands of men and women every year visit this seat of learning. It is a pitiable sight to see old and young women walking for miles together in the bed of the river in water and on hard stones, the sight of bullock carts loaded with material unable to cross boat bridges is at times sickening. I would wish that Your Honour's visit to the Gurukul should be marked by the construction of pontoon bridges over the stream of the river and after the rainy season boulders consolidated to make the road fit for vehicular traffic. For the last few years it has been the policy of this Government to abolish ferry charges on all bridges. I wish the same policy were extended to the bridges leading to the Gurukul. This boon might persuade even an ordinary visitor to Haridwar, after visiting places of pilgrimage in Haridwar, Kankhal and Jwalapur, to pay a visit to the institution and realize for himself the difference in the physique of the boys who live outside towns, and live upon regulated but simple diet and those boys who live in towns and are under no regulation in the matter of diet, as also between boys who are ordained to defer their marriages till their 25th year and young men reading in our schools and colleges where the Government out of deference to the wishes of their parents does not insist on them leading unmarried lives until they attain proper marriageable age. Any expense incurred by the Government in carrying out the suggestion I have made above will be very much appreciated by a large section of the public. I may, in passing, remark that of all the districts of the United Provinces Bijnor is very badly supplied with roads, and railways, the distance between the Najibabad railway station and the village of Kangri where the Gurukul is situated is only 25 miles. There exists a kacha district board road which is used by the inhabitants of neighbouring villages. If this road were metalled and a few culverts constructed on waterways I am sure the road will prove very beneficial to the people of the Bijnor district and would go a great way to develop the district.

"Our thanks are due to the Hon'ble Mr. Pim for so ably husbanding the resources of the provinces as to be able to find a grant of rupees one lakh seventy

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thousand for the assistance of municipalities which are engaged, in substituting for octroi, the system of direct taxation I have advocated these grants since some time past I hope it will be possible for Your Honour's Government to consider the case of large municipalities with the same generosity. The abolition of octroi is a bold departure in the system of municipal taxation, and the municipalities which are taking the step in deference to the wishes of the traders for the development of their towns deserve every encouragement. I am so sanguine of the development of larger cities following upon the abolition of octroi, that I can say that it will be possible for the municipalities to be able to declare after two or three years' working that they do not require any more subsidy, which at this juncture will be most heartily welcomed.

"The announcement that a lump provision of Rs. 6,25,000 has been made for carrying out the scheme with which the name of the Hon'ble Mr. Pike is associated had gladdened the hearts of the ministerial officers, many poor clerks were expecting that when the time for drawing their salary for April came, they would draw a little increase to their salaries. But all these hopes have been frustrated and the long-deferred hope has to be still more deferred. The orders issued early in this month that no increment should be drawn pending orders of the Secretary of State has caused deep disappointment. It is not easy to obtain the Secretary of State's sanction. I can only express a hope that Your Honour will be able to persuade the Government of India to obtain the Secretary of State's sanction to the scheme at an early date and that it will be possible to give retrospective effect to the scheme after the Secretary of State's sanction.

"I understand that under the Pike scheme all the English-knowing clerks of Government offices are to be paid Rs. 25 a month. The only unfortunate class which will not share the increase are the poor registration clerks. I do not see why an exception should be made in the case of the registration clerks. In order to make the service sufficiently attractive to young men to join it after passing their matriculation or school leaving examination in the hope that if they keep themselves above temptation they will be promoted to the grade of sub-registrars and may even aspire one day to secure the highest salary in the department, that is, Rs. 250 a month, it is necessary that the scale of salaries should be revised. Out of 57 clerks employed on the establishment of the registrars, 10 get a salary of Rs. 20, 14 of Rs. 15 and 1 of Rs. 12. On the establishment of sub-registrars, out of an establishment of 339 clerks only one gets Rs. 25, 15 are employed at Rs. 20, 2 at Rs. 18, 239 at Rs. 15, 104 at Rs. 12, 1 at Rs. 10 and 3 at Rs. 5. If the salary is raised to Rs. 25, the extra expenditure can be easily met from the increase of revenue under the head of Registration. The rise of income under the head of Registration from Rs. 5,24,858 to Rs. 6,40,000 is due to the good and honest work done by registration clerks and sub-registrars. Some time ago, I suggested that the sub-registrars might be supplied with hot weather establishments and peons. An inquiry, I understand, was made into the subject, but these very necessary conveniences of the employes of the registration department have not been attended to. In view of the possibilities of further increase in income by closer supervision, I would also think the time has come for the Government to consider the advisability of having a whole-time Registrar for these provinces in the same manner as they have in Bengal, Madras and the Punjab. The district judges who are *ex officio* district registrars are so overworked that they have very little time to devote to the inspection of registration offices. Such of them as do some inspection work get the papers from sub-registrars and have them examined in their own offices. This sort of inspection is not satisfactory, nor can the Registrar know the grievances of the people of any particular locality. The inspection should be local and thorough.

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Honest men in the service should be made to know that their work is appreciated and dishonest officers should always be kept in dread of being exposed by local inquiries and inspections. This cannot be done without there being proper agency of inspection and proper supervision of the work done at the registration offices.

"It is a happy sign of the times that from all sides one hears demands for larger expenditure on projects of sanitation and town improvement. Fyzabad is anxious to have water-works. So is Jaunpur, which suffers badly from water-scarcity and at times the entire population has to live either on brackish water of wells or for four months in the year has to drink muddy water from the river. In my own division, Unao badly suffers on account of the scarcity of water, the condition of the wells is irreparable, and during the summer season in some parts of the town people are put to much inconvenience and hardship. The town needs a grant of Rs 10,000, for which, let me hope, it will be possible to make an allotment from Government of India sanitary grant. The places which have deficient water supply should receive preferential treatment. In Lucknow, we are in need of more settling tanks and filters, also a rising main to bring more water to the filtering station to meet the growing needs of the town. The drainage scheme of the western portion of the town cannot be touched without an outlay of 8 lakhs. The sanitary road is making progress, and I hope by the end of this official year three-fourths of the road will have been completed. But this long highway requires to be connected by cross roads in order that it may be able to benefit the people of all parts of the town. In all these projects the municipal board of Lucknow will, I trust, continue to receive support. The idea of town improvement has caught the imagination of the people, and I am sure that if a good slice out of sanitary grants as earmarked for town improvements, many municipalities will be in a position to avail themselves of the encouragement offered by the Government.

"The people have come to realize that their safety from plague, which, unfortunately for us, has again levied a very high toll on the inhabitants of the Lucknow division, lies in their living in better houses and in open localities. There can be no act of greater wisdom than to take full advantage of this feeling to the greatest extent possible by helping the rich and poor alike to improve their dwelling houses. I am glad that the Hon'ble Shaikh Shahid Husain has withdrawn the resolution, notice of which had been given by him, about the amalgamation of the High Court and the Judicial Commissioner's Court. It is a controversial question, and its discussion would have been followed by some bitterness. This is a question which has to be solved, not in the interest of Lucknow or Allahabad, but that of the entire provinces. I do not agree with those who think that the present state of things should continue. Discontent against the present arrangement is growing. In Oudh people feel dissatisfied with the arrangement which does not secure to the Court Judges who would stick to the appointment for any length of time. The present state of things was to be set right. The ideal arrangement will be to have a United High Court either at Lucknow or Allahabad. But if this ideal cannot be attained, then the best arrangement would be to have amalgamation on the distinct understanding that Lucknow shall have a permanent bench of three or more Judges. The only objection which might be advanced by some people in Oudh would be that this arrangement might not be permanent. But I do not think there need be any misgiving on the point. The Government at the time of amalgamation of this province with the province of Agra pledged itself not to disturb the Judicial autonomy of Oudh or do anything to undermine the importance of Lucknow. This pledge has been honourably kept. There is no reason to doubt that a bench established with the distinct pledge will be ever abolished against the wishes of the people."

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[Babu Balak Ram]

The Hon'ble BABU BALAK RAM said —

"It has given me great satisfaction that in the first year [of my career as a member of Your Honour's Council I have to offer observations on a budget which is a budget of prosperity. Your Honour is to be congratulated that your rule in these provinces has commenced with a year which has very appropriately been characterized as 'a year of prosperity and plenty' by the Hon'ble the Financial Member of the Government of India. We are grateful to the Hon'ble the Financial Secretary for placing before us a lucid statement of the income and expenditure of our Provinces."

"The year which has just commenced begins with an opening balance of Rs. 1,71,63,000. The income and expenditure are estimated at Rs. 6,31,26,000 and Rs. 6,71,24,000 respectively, leaving a closing balance of Rs. 1,31,65,000

"The most gratifying feature in the current year's finances is the liberal non-recurring grant of about 70 lakhs by the Imperial Government to be spent on two most deserving objects, namely education and sanitation—objects which stand in the forefront and on which the material, moral and intellectual advancement of people depends to such a large extent.

"Providence has placed under Your Honour's care a province which has got a population over 47,000,000 and having the largest number of big cities compared with other provinces in India. Its people are now wide awake to the benefits of education given according to Western methods and the demand for that education is growing day by day. There is a call for increase of expenditure on every side to remove the existing wants and to provide for the future needs of a growing province. The provincial exchequer, therefore, has to meet numerous and varied demands. The public look up to Your Honour for a favourable response.

"We are fully alive to the situation in which the Local Government is placed with respect to the different items of revenue, specially those which are shared with the Government of India. The large sums given by the Central Government in the shape of non-recurring grants can meet only the present requirements. But it is a large enhancement of its share in the permanent sources of revenue—specially by raising the provincial share in the land revenue from three-eighths to a moiety, which can place sufficient funds in the hands of the Government to meet adequately the wants and requirements of the province

"With your permission, Sir, I shall describe some of the general wants of these provinces. We are thankful to the Government for the measures already adopted and also for those under contemplation to improve urban sanitation, specially in large cities. But rural sanitation has not received the same attention of the Government as it deserves. The sorrowful tale told by the census of 1911 shows that the United Provinces, instead of having the normal increase in population like other provinces of India, except the Punjab, had a decrease of over five lakhs. The improvement of sanitation in rural areas should, I submit, be the first care of the Government, and no time should be lost in adopting measures for the improvement of this branch of sanitation. Now that the income of the district boards will receive substantial additions on account of local rates being relieved of the expenses of rural police an appreciable amount of their income should be spent to add to the number of travelling dispensaries, to increase free distribution of quinine, to improve water-supply, to fill insanitary pits and hollows and to provide sufficient outlets for rain-water which collects in and round the village sites. Your Honour, I consider myself perfectly justified in saying that it is the agricultural classes residing in the rural tracts who contribute by far the largest share to the income of the Government, technically called revenue, rates and cesses. They suffer the ravages of cholera, malaria,

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[Babu Balak Ram]

and plague with a fortitude almost heroic. They are voiceless. Such being the case they deserve favourable consideration. I must own that the Government has lately taken steps to provide means for the relief of these classes of the people, but they are not adequate. The district boards have recently set apart sums of money to be spent in improving the sanitation of rural areas, but these sums have been so small that it was found difficult to spend them usefully, and the consequence is that the matter rests where it stood. I venture to submit that much larger sums should be allotted by the district boards and steps be taken to commence sanitary improvement in selected areas within their districts and by degrees to extend them.

"The next subject on which I wish to say a few words is education. I am aware that the Government has done much towards bringing primary education into line with present requirements, but I would plead for larger grants and further encouragements. The same must be said with regard to secondary education. Under the fostering care of the Government much improvement has been effected, but further efforts are still required. What apparently is required is an increase in the number of both primary and secondary schools, so as to be abreast of the growing needs of the times. While on the subject of education, I may be permitted to call attention to one serious drawback which students have to experience in getting admittance into secondary schools. Large numbers of these in the United Provinces, I am afraid, have to go away disappointed, because the classes happen to have the number fixed under the rules. This is a rather lamentable state of things and nothing but a drag on the wheel of the progress of education.

"The further expansion of the principles of local self-government is another matter on which the public feeling is very keen. The Royal Commission on Decentralization had made recommendations in the year 1909 as to the direction in which local self-government ought to be expanded. Some of these recommendations have been adopted and put into effect, but there are others which are more important and which it is hoped without further loss of time will be adopted and action taken to put them into practice. In reviewing the work of non-official chairmen in the municipalities Your Honour was pleased to recognize 'the encouraging aspects of the results' and the growing recognition by non-official members of their duties and responsibilities. The time, therefore, I submit, has come for placing a larger number of municipalities under non-official chairmen. It is not only in urban areas that the non-official machinery should be used to perform the duties of the head of the municipal boards, but there should be an introduction and gradual expansion of the same principle with respect to district boards. In some of the major provinces of India there are non-official chairmen of the district boards. The non-official element in these provinces is not lacking to undertake the duties and responsibilities of the chairmanship of the district boards. We hope that Your Honour's rule of these provinces will be signalized by a further move in the direction of local self-government in the shape of the appointment of non-official chairmen to the district boards also.

"Before taking up matters of local importance there is another matter on which I would like to offer a few remarks, and it is the improvement of the prospects of the large ministerial staff in the service of the Government. I shall be pardoned for saying that, notwithstanding the great rise in the prices of the necessaries of life and the considerable increase in the cost of educating their children, no substantial improvement has been made in the salaries given to the members of that staff. These officers, who are not in a position to make a direct representation of their needs and grievances, but who perform their duties arduously and ungrudgingly, deserve a favourable consideration at the hands of the Government.

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[Babu Balak Ram, Rai Gokul Prasad Bahadur.]

"I now wish to represent before Your Honour some of the real wants of the municipality of Fyzabad, which I have the honour to represent. The municipality of Fyzabad occupies an important position among the towns of these provinces, as Ajudhia, one of the most sacred places of the Hindus, is included in it. Not only on the occasion of big festivals Ajudhia is visited by a very large concourse of people from all parts of India, but pilgrims from distant as well as near places visit it all the year round. The improvement of the sanitation of the Fyzabad municipality is a question of importance. One of the essential things required to improve the health of the town was the introduction of drainage works in it. The matter has been under consideration for some time and plans and estimates had also been prepared, but it was only last year that the work was begun and through the generous pecuniary aid of Government—an aid for which Fyzabad people are highly grateful—and from the savings of the municipal funds one important portion of the drainage system is near completion. But in order to complete the whole scheme further Government aid is required which I hope will be forthcoming.

"A scheme for supplying the towns of Fyzabad and Ajudhia with pure drinking water is under consideration. The scheme as at first estimated was to cost Rs. 7,00,000, but a rise in the prices of materials, it is alleged, will raise the estimates of the cost, which are under revision. But they will be finished within a short time. The scheme cannot be taken in hand without substantial pecuniary aid from Your Honour's Government. Taking into consideration the importance of the place, which has not only a constant local population but is the resort of thousands and thousands of people from other places, I hope that the Government will graciously be pleased to help the municipality and place it in a position to undertake and finish the project, which is one of the most essential measures required to improve the sanitation of the place.

"Until a few years ago the Fyzabad High School had classes teaching up to the Intermediate examination standard. Those classes were abolished by the Government. There is a steadily growing demand for collegiate education in the Province of Oudh. Fyzabad is the head quarters of a division the most populous in the territories under Your Honour's rule. In order to remove one of the most pressing educational needs of the province it is necessary that a collegiate institution should be established at Fyzabad by restoring the Intermediate classes to the High school there and adding classes teaching up to the B. A. standard."

The Hon'ble RAI GOKUL PRASAD BAHADUR said:—

"It is with great pleasure that I offer my sincere congratulations to the Hon'ble Mr Pim, on the rosy picture he has presented to us in the budget statement. It is a matter of great satisfaction to all of us to see that this year is not one of apprehended troubles, and the doubts which were foreshadowed owing to the withholding of the rains were removed by the timely rainfall of November last. It has consequently been possible to allot larger sums for expenditure on some of our most pressing requirements.

"I now proceed to discuss some of the features of the budget as they strike me. The first item is that of an increased expenditure under the head of education in paragraph 6 of the financial statement. The allotment for education is larger than that of last year by about 25 lakhs and it is a matter for congratulation that in the very first year of Your Honour's Government it has been possible to give a larger grant for this purpose, and I sincerely trust that in the coming years larger and larger allotments will be made for education so as to bring education in our provinces at least to the level of the more advanced provinces.

"Another point connected with education for which we feel grateful to Your Honour's Government is the improvements in the prospects of the members of the provincial service, and the consequent increase in the pay of some of the more

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[*Rai Gokul Prasad Bahadur*]

prominent Indian members thereof. It goes without saying that the emoluments of this branch of the service were not such as to attract the best intellects of the country, who generally took to the profession of law, or the judicial and executive branches of the provincial service, where the emoluments and the prospects were infinitely better. But with the betterment of their prospects there is no doubt that a fair number of our most brilliant men will now join the educational department.

"I have to express my gratitude to Your Honour on behalf of the people of Benares for the building grant of Rs 19,459 for the Bengali Tola High School. Let me assure you, Sir, that this has been a real boon much appreciated by the people, as it will help to remove a long-felt want. I must also gratefully acknowledge the special grant to the Crosthwaite Girls' School, Allahabad, but would invite the attention of Your Honour to the necessity of a building grant for the erection of a suitable boarding house for that institution. A small portion of the generous grant of Rs. 75,000 for expenditure on girls' schools out of the three lakhs given by the Government of India for girls' schools and technical and special schools, which your Honour has set apart for these purposes and for which we all feel very grateful to Your Honour, would remove this long-felt want, which has to a great extent been responsible for the small number of boarders in this school.

"The large amount allotted for primary education is also a matter for congratulation. It would appear from the above that much will be done towards the progress of education in this year. But much more has still to be done. A glance at the following figures about the number of schools and scholars taken from the statistics of British India, Part VII, Educational, for 1910-11 and preceding years, published in 1912, the latest available, would show that, compared with other provinces, education in our provinces is not only very backward but comparatively little progress has been made here in the last few years as compared with that in the other provinces.

| Provinces | No of schools and colleges | 1906-7. | 1910-11 | No of scholars | Population. |
|-----------|----------------------------|---------|---------|----------------|-------------|
| Bengal | For males | 41,329 | 45,080 | 1906-7 | 5,50,23,340 |
| | For females | 8,372 | 8,672 | Males | |
| | | | | Females | |
| | | | | 1910-11 | |
| U P | For males | 14,575 | 14,274 | Males | |
| | For females | 1,066 | 1,251 | Females | |
| | | | | 1906-7 | |
| | | | | Females | |
| Madras | For males | 27,476 | 29,295 | Males | 4,09,29,584 |
| | For females | 1,268 | 1,840 | Females | |
| | | | | 1906-7 | |
| | | | | Females | |
| Bombay | For males | 12,721 | 14,736 | Males | |
| | For females | 1,246 | 1,450 | Females | |
| | | | | 1906-7 | |
| | | | | Females | |

"It would appear from this table that the numbers of colleges and schools for males in the United Provinces has decreased by about 300 since 1906-7, whereas in the other provinces the number has increased by about 1,500 to 2,000. It seems, however, that in 1911-12 over 500 primary schools have been opened. This is indeed a move in the right direction, and we are beholden to Your Honour for this. The difference in the number of male Government scholars is still more remarkable. In the United Provinces at the end of the year 1910-11 the increase in the number of scholars above that of the year 1906-7 was, roughly speaking, 33,000. Even putting the average number of scholars in each newly opened primary school at 150 the total number of scholars would be 7,500+33,000

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[*Ran Gokul Prasad Bahadur*]

or about 41,000. In Bengal with a population one and one-sixth ($1\frac{1}{6}$) times that of the United Provinces it was about 200,000 and in Bombay with a population of a little more than half of the United Provinces it was about 120,000, the increase in Madras with a population about one-sixth less than that of United Provinces being 158,000. The figures relating to the girls attending schools are still more significant. In the same period the increase in the number of girls in the United Provinces has been roughly speaking 6,800, whereas the figures are 50,000, 40,000 and 28,000 for Bengal, Bombay and Madras, respectively. I do not wish to decry the Department of Public Instruction, nor have I any desire to undervalue the great impetus given to education under the sympathetic and able guidance of my friend the Hon'ble Mr. de la Fosse, the Director of Public Instruction. But even he with his untiring energy and zealous solicitude for the cause of education could not be expected to combat ignorance without the sinews of war—namely funds. All of us gratefully acknowledge his efforts towards the improvement and expansion of education in these provinces, at the same time we cannot but deplore the limited funds at his command. However, with the large allotments towards education this year, we have no doubt that better times are coming, and having regard to the policy of the Government of India as declared in its recent resolution of the 21st of February last, we hope that with a continuance of this sympathetic attitude of Your Honour's Government towards education we will be in a position to compare favourably with the other provinces in the near future and before Your Honour lays down the reins of Government.

"I now turn to sanitation, and here I must say that the division which I represent, namely, Benares, has been a most unfortunate sufferer from the ravages of plague. It would appear from the annual report of the Sanitary Commissioner for the year ending the 31st December 1911 that the districts of Ballia, Ghazipur and Jaunpur had the highest death-rates in the United Provinces except the districts of Muzaffarnagar and Meerut. Plague seems to have taken deep root in these districts. The magnitude of the calamity is too terrible to conceive. Segregation, destruction of rats, disinfection of dwellings, have all been tried, and people have now begun to realize that removal from plague infested areas is the best safeguard against the disease. The Government has done a great deal towards combating this disease, and its earnest efforts need not be recapitulated here, but still something must be done to prevent its recurrence. The experts are in the best position to devise and suggest means for the purpose, but in order that their suggestions be carried into effect I would ask that a suitable amount be allotted out of the Government of India's special grant for sanitation to these districts.

"Respiratory diseases too unfortunately seem to be on the increase, and here too Benares would top the list amongst large municipalities. At first it used to be said that the impure supply of water in Benares was responsible for the high rate of mortality prevailing in that city. The sanitary works in Benares were opened about twenty years ago, but the death-rate has not at all decreased. It has on the contrary gradually gone up. We have then to seek for the cause of this high death-rate elsewhere. I would here quote from the Government resolution of Naini Tal, the 20th August, 1912.

"Much has been done of late years to improve the sanitation of urban areas. But the extent of the leeway which has yet to be made up is sufficiently indicated by the death-rate of the year under review, which, when every deduction for exceptional factors has been made, is still lamentably high. Overcrowding is a normal condition of Indian towns, and to this more than anything else is doubtless attributable a death-rate which is normally in excess of the birth-rate. In Lucknow, Allahabad, and Cawnpore something has been done to relieve the

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congestion of population But progress in this direction is essentially a matter of money and, with the very limited resources at the disposal of municipalities, must inevitably be extremely slow.

"Benares city proper is one of the most densely populated cities in the United Provinces, and if the high death-rate prevailing there is to be reduced, something must be done to remove the congestion of population. The opening out of some of the most thickly populated quarters of Benares is absolutely necessary, and when one thinks of the narrow lanes, some of which are innocent of the sun's rays even in the summer and the many-storeyed houses with ill-ventilated low rooms, he is not surprised at the high death-rate prevailing there."

"I have no doubt that having regard to the urgent need of the opening out of congested areas there, Benares should have been taken up first, but I do not grudge the good fortune of Allahabad, Cawnpore or Lucknow in this matter. The Benares municipality itself has not much money to spare. I can only express my regret that Benares has not been fortunate enough to get any share out of the Government of India's special non-recurring grant of Rs. 8,00,000 for sanitation this year. There is one more local need of my division which I have to bring to Your Honour's notice, so that provision might be made for it in the next year's budget. It is the want of accommodation for the litigant public at Ghazipur. This is a source of great inconvenience in the rains and the help of the Government in this matter is urgently needed."

The Hon'ble MUNSHI MAHADEO PRASAD said :—

"I would first of all congratulate the Hon'ble Finance Member on the lucid exposition of the finances of these provinces. He has put before this Council in a nut-shell the workings of the different branches of the Government administration. But, Sir, in spite of all the salient features of the budget, and the assignments of the Government of India for education and sanitation, for which our thanks are due, I would humbly submit that the position revealed is one of dependence on the bounties of the supreme Government and not of self-reliance for these provinces. Unless these provinces receive a fair share of revenue by way of Provincial settlement equal to that of the other provinces, the taint of backwardness in education and sanitation will be a continuing blot from year to year on these provinces. I need hardly submit that the contribution by these provinces to the Imperial Government is the highest of all made by other provinces. It cannot be denied that since the provincial settlements were first brought into force, prices, necessities and demands have risen by leaps and bounds and requirements which could have been met so easily in the past have become too difficult to supply with the same means. It is therefore earnestly hoped that Your Honour with all your financial capacities, will be pleased to advance the cause of the provinces under you, for a fairer treatment in this respect. With these few general remarks I beg to discuss some of the items on the income and expenditure sides and then to lay before Your Honour some of the pressing local needs of the Benares municipality."

"The increase on the side of receipts under excise, if due to an increase in the habit of drink of the people, is certainly deplorable. But I think that this increase is neither due to that, nor to the general prosperity. The reorganization of the cadre of the excise inspectors and the introduction of the contract system, have minimized illicit distillation and smuggling. I believe that if the chances of that service be improved, more control on smuggling and illicit distillation can be exercised. The raising of duty to an even higher amount should be insisted on. It will not be out of place to mention to Your Honour the rise in the ruinous use of cocaine specially by young men in towns. There is a greater need of control and vigilance to stop the said evil."

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"Registration too has shown an increase in income of recent years, but prospects of service as sub-registrars have not been appreciably improved. I believe in many places sub-registrars have to go without peons. I would suggest that the status of that service be raised like that in Bengal and Madras, that a better class of men, e.g. graduates, may enter the service with better prospects in view. The pay of the registration clerks is also fit to be favourably considered.

"The forecast of an increase on the income side, under education due to a rise in tuitional fees is not welcome and we cannot congratulate ourselves on it. While there is a desire for free primary education and a rising demand for secondary English education, no such rise on the income side should have been contemplated. Some of the special grants for special purposes have been allowed to lapse and so I do not see the necessity of an increase under this head.

"Now, Sir, I turn to the side of expenditure. I would congratulate the Finance Member for his being able to find money for a partial introduction of the long-deferred Greeven scheme. Thanks are due to Government for providing money for extension of the juvenile jail at Bareilly and also for providing means for prisoners on their release, as well as for establishing another reformatory for juvenile offenders at Cawnpore. All these measures have got an educative value and would be most welcome.

"The expenditure budgeted under police though showing an increase, is not to be demurred to, as sufficient provision has been made for relieving local areas under Act XX of 1856 from police charges and thus making more money available for sanitary improvements, but I am sorry to note that a grant for a training school for constables, an educative scheme, is allowed to lapse for want of a site. It is really unfortunate, Sir, that this grant which was really meant for an educational purpose should have been allowed to lapse like several other items under the head education.

"Under the head education the sum earmarked for improvement of aided English secondary schools is still insufficient, as also that for female education. There is a rising demand for greater expenditure under both these heads. Private enterprise is doing what it can. It may maintain a school, but can hardly sufficiently equip it. Since the Government of India has not tied down the hands of the Local Government the sum allotted for hostels from the special non-recurring grant may be reduced by three lakhs and this amount diverted towards grants-in-aid to private institutions. While thanking you Honour for the many improvements foreshadowed in the budget, I specially beg to refer to the grant of Rs. 19,459 to the Bengali Tola High School at Benares. Similar timely help rendered to such private institutions will put them on a more efficient and working basis.

"In connection with the expenditure on Government Colleges, I beg to submit that the two Government institutions in these Provinces be equally treated, I mean the Queen's College at Benares and the Muir Central College at Allahabad. Benares had seen the light of English Education first in these Provinces, and has been a seat of learning. It is but fair that the reputation of Benares be maintained. There is no sufficient staff to teach Biology and Political Economy at the Queen's College, Benares, and it will be in the fitness of things to make some arrangement to strengthen the College staff there, specially as the Queen's College is affiliated in Arts up to the highest standard.

"Now, Sir, I come to sanitation. The people are grateful for what has been done in this connection by the Government. The provincialization of the service of health officers, the impetus given to local bodies to improve their drainage system and their water-works, to open out congested areas, are some of the many boons conferred on the people. But yet much has to be done, and I believe that the zeal

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shown by the Government and the local bodies will soon make a fair progress in this direction.

"It will not be out of place to draw Your Honour's attention to the local needs of Benares. The incidence of taxation there is nearly the highest in these Provinces. The congestion of population too, in Benares, with an area of 983 square miles and a population of 203,804 souls, or an average of over 20,000 souls per square mile is the highest in these Provinces. The death-rate from respiratory diseases in Benares was 13.49 per mille in 1911-12 or nearly as high as the death rate from all causes in England and Wales in 1910. It is the highest amongst the large municipalities in these Provinces. These facts ought to establish the pre-eminent claims of Benares to a large slice from the grant of the Government of India for improvement of urban sanitation. Very lately the Benares Municipal Board prepared a rough scheme for town improvement and for providing small parks or lawns in the congested areas of the pakka mahals which stand in greatest need of fresh air and sun. The scheme will in due course be submitted to the Government, and I trust that, considering the importance of a town like Benares, which is the religious metropolis of the Hindus throughout India, and owing to its historical antiquity attracts people from all parts of the world, the Government will be pleased to sanction the allotment of a handsome amount for town improvement in Benares. The condition of the water-works, to which your Honour's attention was drawn during your Honour's visit to Benares, is a source of anxiety to the municipal administration. A large outlay would be necessary to render it efficient for the purpose of an adequate water supply to the town. The present supply has to be restricted to 3 or 4 hours a day and a considerable portion of the town has to go without any supply at all, resulting in the consumption of water from other sources, which often leads to the breaking out of a bad epidemic of cholera in the town as in this year. I trust that the Government will also afford financial help in this direction. A large and comprehensive scheme for surface drains was prepared long ago, but owing to paucity of funds it has not been possible to push it on to completion. These are in short some of the requirements of the town of Benares.

"Since the railway traffic on the Dufferin Bridge has been opened to the working of double lines between Benares and Moghul Sarai, the bridge has been virtually closed to other sorts of traffic. The construction of another permanent bridge for wheeled traffic has become an urgent necessity. There is an item of Rs. 70,000 provided for a pontoon bridge at Benares. I think this amount represents only a portion of the total outlay required for the construction of the bridge. A pontoon bridge will not meet the requirements of the situation, as during the rainy season this bridge has to be broken up. His Highness the Maharaja of Benares, I understand, has in contemplation, the construction of a permanent bridge of his own. If the Government were to join hands with him and to build a permanent bridge at a suitable place within easy approach from the central parts of the town, much inconvenience to the public and to traders will be removed. Such a bridge will further enable the people to get to the other side of the Ganges with ease, to derive the benefit of fresh air and will be considered a great boon."

The Hon'ble RANA SIR SHEORAJ SINGH said :—

"I need not take up the valuable time of this Council in scrutinizing the several items of income and expenditure, as they have been thoroughly explained in the accompaniments of the budget. Certainly the Hon'ble Finance Member deserves our hearty congratulations for his excellent budget statement. I cannot withhold my tribute of admiration for his masterly execution. Our expectations regarding progress and activity in every field of administration have been duly

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fulfilled. However, there are a few things which in my humble opinion demand more serious consideration.

"On the receipt side I find that there is a constant increase in the revenue under stamps and excise, which is a sure indication of a corresponding increase in litigation and drink amongst the masses. Both the evils are serious and materially affect the prosperity of the people. I would, therefore, humbly submit that suitable measures might be adopted to check them.

"On the expenditure side the first and foremost question for consideration is that of public health. The condition of the rural population is, I am afraid, in many cases far from being satisfactory. Villagers adopt no sanitary measures and are left to the mercies of Fate. They have to live in most insanitary surroundings. Butchers, slaughterers and tanners ply their trades in villages anywhere they like and harmfully affect the sanitation with impunity. Filthy and polluted water is allowed to sink into the ground round wells. Decaying vegetation, refuse of all kinds, excreta of men and animals are scattered here and there. Such is the deplorable condition of many villages, and knowing these facts we should not be surprised to hear of heavy death-rates in these places. We are not unaware that the Government have been, during the last few years, trying their best to do something in this direction, and it is with the feelings of unmixed pleasure and satisfaction that we acknowledge the improvement that has been effected. The Town Areas Improvement Bill, which has been referred to a Select Committee, when passed into law, will, no doubt, confer its peculiar blessings on villagers and other people. But what I am now going to propose is that the number of travelling dispensaries should be increased in order that every villager may be benefited by them and get timely medical aid. Many villagers succumb to diseases without proper medical treatment.

"The second subject which I should like to deal with is education. Without education we cannot make any progress morally or physically and cannot claim to be classed among civilized people. Truly speaking, it is to education only that we should resort in order to acquire wisdom and gain prosperity. It is the only means to improve the morality and sense of duty of the Indian people and to arrest the deterioration of the Indian character in every respect. It is, so to speak, the corner-stone of prosperity, and the adage—'Open the school and close the jail'—is a wise one. The policy of our benign Government in this direction is highly commendable, and I know not how to thank them for their kindness in fitting and adequate terms. But still I consider it an urgent necessity that the number of existing schools should be increased to meet the growing demand of people for education. The present rule under which every class or section can have only a limited number of students has produced some baneful results. It is a matter of general experience that many hopeful and promising children are compelled to quit the school merely for want of seats and thus ruin their future career. If any such restriction in admitting boys to a class is advisable from any administrative or educational point of view, I must observe again that the number of existing schools should be increased ere long. Again, the enhancement of fees is likely to shut the doors of schools to many boys and arrest the intellectual advancement of these provinces. The scale of fees should be so adjusted as to make secondary education at least within the easy reach of the sons of the middle class people.

"The next subject is agriculture. Eighty per cent. of the total Indian population live in villages and these men are generally cultivators. Therefore, any advancement in the mode of cultivation will largely contribute to the happiness of the country. Here again I will gladly admit that the Government has taken steps to introduce improved methods in cultivation by establishing an agricultural college and otherwise. Annual agricultural exhibitions are held in almost every

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district and afford good instruction to cultivators. But they cannot get any practical training in these exhibitions. It would be really good if some measure be adopted to give practical instruction to cultivators in the elementary principles of agriculture in their own districts. Of course, those seeking higher education in this subject must join the Agricultural College. I am aware that some arrangement is made in the Agricultural College for the training of the sons of landed proprietors. I venture to suggest that some such arrangement can with advantage be introduced in the patwari school in every district. Patwaris should be also taught the elements of agriculture, and the patwari school should be also open to sons of tenants to receive some practical training in agriculture.

"India is an agricultural country and rainfall is becoming more or less uncertain every year. We should be now alive to our sense of duty in respect of providing some special means for irrigation. I know that taqavi is given for the construction of wells. But this alone cannot avert the scourge of famine when rainfall is scanty. Some improved methods of irrigation and canal works would be welcome to cultivators. The taluqdars of Oudh have forwarded to Your Honour a memorial about the Sarda scheme through their association, which I have the honour to represent in this Council, and I earnestly pray that Your Honour's régime may see the completion of the scheme which will bring prosperity to Oudh and save us from future famines. But in the régime of Your Honour we are looking forward to the future of these provinces with interest. I cannot forbear expressing the deep gratitude and obligation which we owe to Your Honour for Your Honour's unparalleled interest in the well-being and progress of these provinces. Your Honour's kindly and sympathetic treatment of all has endeared Your Honour to every heart and infuses new hopes. We are fully conscious that Your Honour will leave no stone unturned for the benefit and good of your Indian people.

"Lastly, I beg to invite Your Honour's kind attention to the grievances of the amla classes. It is evident that living is growing dearer and dearer, and consequently it is a matter of no little difficulty for these hard-worked Government employés to supply themselves with the daily necessities of life. The salaries fixed decades ago have not been as yet revised, although it is not denied that high prices have fallen all the more heavily upon the men on small fixed salaries.

"The ministerial officers such as head clerks and general superintendents of Collectors' offices are debarred from the posts of Tahsildar and Deputy Collector for not very satisfactory reasons. I am inclined to think that the Government can easily redress the grievance by making deserved and competent ministerial officers eligible for the posts named above."

The Hon'ble RAJA KUSHALPAL SINGH said,—

"I beg to express my acknowledgment to the Hon'ble the Finance Secretary for the lucidity of the budget statement. Your Honour's appointment to the exalted office of Lieutenant-Governor of our provinces has given universal satisfaction. No words at my command can adequately express the joy and delight with which Your Honour's assumption of the Government has been hailed. During the short term of six months, Your Honour has attained, in the hearts of all the people of these provinces—without distinction of race, class, or creed—a place which it was not the good fortune of your predecessors to occupy. Your Honour embodies in your person all that is high and noble in the British character. It therefore behoves us, the non-official members of your Council, to take full advantage of the rule of such a sympathetic head of the administration to lay before the Government all the needs and requirements of our constituencies and of our provinces at large.

"On behalf of the constituency which I have the honour to represent in this Council, I beg to submit our grateful and most respectful thanks to the Government

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for the grant of Rs. 52,000 to the Agra Municipality for the improvement of the local water-works installation. But this sum, I regret to say, is too inadequate to meet the most urgent demand for the sufficient supply of pure drinking water. We require—

1. Rs. 13,000 for a water bye main between the Thomason Hospital and the Bank of Bengal.

2. Rs. 18,000 for the cost of eight Venturi tubes, and two Venturi meters, the former to indicate the duty being given by each filter bed at the water works, the latter to register the full quantity of water daily pumped into the city

3. Rs. 78,000 for a pre-filtration plant to screen off solids from water before it is let on to the filter beds.

4. Rs. 30,000 for enlarging the size of water mains supplying Civil Lines and Shahganj.

5. Rs. 6,120 for one Green's Economizer for the water works

6. Rs. 4,000 for new electric lighting plant for water works, including a new engine for the same, and

7. Rs. 50,000 for the construction of a new conservancy cattle yard. The present yard is "kachoha," and the board have decided to spend no more on yearly repairs

"Among the needs of the Agra district board, I would draw special attention to the metalling of the Fatehabad-Kachoraghat road, which is 36 miles long. The project to metal this road at a cost of Rs. 88,347 was sanctioned in G. O. 3227/W-B. 5, dated the 1st September 1905. Up to the current year a sum of Rs. 53,542 has been provided from the funds of the district board, including the special grant sanctioned in 1906. By the end of the year a length of $18\frac{1}{2}$ miles will be metalled out of the total length of 36 miles. The surplus balance of the Agra district board is now exhausted, there is no hope of further funds being provided in future years by the district board, either for the capital cost of the length which remains to be metalled, or for the up-keep of the portion of the road which will be completed in the current year. The District Surveyor reports that a sum of Rs. 5,550 will be required for the annual maintenance of the portion metalled. To complete the remaining portion of the road not yet undertaken, a sum of Rs. 34,805 will be needed, in which case the sum required for the annual maintenance of the 36 miles of the road will be Rs. 10,800. I humbly request the Government to sanction a further special grant of Rs. 34,805 to complete the remaining $17\frac{1}{2}$ miles of the road, and an annual grant of Rs. 10,800 for the yearly up keep of the whole of the road. This road will connect Agra with Bah, and is most necessary for administrative purposes, though not so from a district board point of view. It was for this reason that it was not placed in the 13 years' programme. This road has absorbed all the money which the District Board could spare. On account of this, the road, which is 1st on the 13 years' programme, and which will develop and open up a most fertile tract, has not been taken in hand. I quote from the Agra Gazetteer:—

'Generally speaking, it may be said that the condition of the agriculturists has improved to a marked extent in those parts of the district which have benefited by the extension of canal irrigation and the development of means of communication; but elsewhere no change is visible, and in parts there is probably a distinct deterioration.'

"The metalling of this road, which is first on the 13 years' programme, will be a particular case coming under the general statement just quoted.

"In the Agra Divisional Canals *jamabandis* are not received by *lambardars* before the middle of May. At this time of the year they find it extremely difficult

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to realize rents from cultivators, since all crops are off the threshing floors. It would be advisable to fix the dates for realizing canal dues at the same time as those for the collection of rent. I am very glad to notice that the Hathras branch has been extended to pass through a most precarious tract of the Agra division which has been subject to frequent calamitous seasons occasioning acute misery to the people engaged in agriculture. With all the emphasis that I can command I most earnestly implore the Government to provide money for as many minors as can possibly be made. If this humble suggestion be accepted, I am sure that this tract will be converted into a most prosperous one.

"In reply to my question the Hon'ble Mr. Baillie stated—'The Director of Land Records and Agriculture is taking steps for the establishment of a sub-station in the western circle for the preliminary study of the special conditions prevailing in dry tracts.' With reference to this I would suggest that Agra is the most suitable place for the establishment of such a sub-station.

"The city of Agra stands unique in the East for its architectural beauties and past history. Its glorious monuments have given a charm and fascination to the East, and people are attracted to it from the remotest quarters of the globe. It is therefore most befitting, I may even say necessary, that the attractions of such a city should be enhanced as far as possible. I would therefore humbly request Government to allot funds for extending the Strand Road into the Park. Thatched houses in proximity to this portion of the Agra City Park should be removed. The land acquired can be sold to raise, who will build their own houses along the road.

"The heavy toll levied on the Railway Jumna Bridge at Muttra is a genuine grievance of the people. A large number of respectable persons have asked me to bring this matter to the notice of the Government. This heavy toll entails real hardship on pilgrims who go to Mahaban, Baldeo, and Gokal on pilgrimage. According to the reply given by the Hon'ble Mr. Goument the average number of foot passengers alone is 11 lakhs per year. This will show to what an extent this bridge is used by pilgrims. The toll levied on this bridge is much heavier than that ever levied anywhere else. The schedule of tolls is.—

On every four-wheeled hackney carriage
On every two wheeled carriage on springs
On every ekkas
On every foot passenger

The hire of a hackney carriage from Muttra to Gokul, Mahaban or Baldeo and back is not more than Rs 2 or Rs. 3. On account of this heavy toll on hackney carriages pilgrims and other persons desirous of going to Baldeo or Gokul are compelled to go in ekkas, which is a very uncomfortable conveyance. Foot passengers are charged two pice for the double journey, across and back. This high rate is a very great hardship to the poorer people, many of whom are no more than sellers of grass, whose daily earnings come to no more than two or three annas. The complaint about the heaviness of the toll is thus very wide-spread. Four or five years ago vehicles passing over this bridge and returning the same day were exempt from payment of toll on the return journey. But now full toll is levied on the return journey as well. The Government will earn the deepest gratitude of the whole Hindu community by abolishing the toll on this bridge. Even if this toll cannot be done away with at present, with all the earnestness I can command, I would implore the Government to reduce the rates.

"The Agra College is a first grade institution, and in number of students and professors, in hostel accommodation, in University successes, in athletic and other departments of college life it holds its own with the first grade colleges of the United Provinces. It has over 500 students, and a teaching staff of twenty-one

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European and Indian graduates To this position it has risen very rapidly in the last few years, ever since, in fact, the trustees accepted the suggestion of Sir John Hewett to hand the school department over to Government and to devote all their energies and funds to the maintenance of the college proper To maintain itself in the position which it has thus rapidly acquired funds are necessary—

(a) To retain the services of the present efficient staff

(b) To improve the supervision of the hostels

The progress the College has made during the last ten years may be summarised under the following heads —

(a) No. of students on the rolls (exclusive of Law Classes).

| Years. | No |
|-----------------|-----|
| 31st March 1903 | 140 |
| " 1904 | 175 |
| " 1905 | 168 |
| " 1906 | 176 |
| " 1907 | 187 |
| " 1908 | 240 |
| " 1909 | 252 |
| " 1910 | 261 |
| " 1911 | 259 |
| " 1912 | 324 |

"On the 1st December 1912 there were 399 students in the College proper and 109 in the Law Classes

(b) Fee income (excluding Law Classes)

| For the year ending 31st March 1903 | Rs | 10,609 | 2 | 0 |
|-------------------------------------|----|--------|----|---|
| " 1904 | " | 11,888 | 12 | 0 |
| " 1905 | " | 10,783 | 0 | 0 |
| " 1906 | " | 10,684 | 3 | 0 |
| " 1907 | " | 12,029 | 12 | 0 |
| " 1908 | " | 15,258 | 12 | 0 |
| " 1909 | " | 17,529 | 2 | 0 |
| " 1910 | " | 16,387 | 7 | 0 |
| " 1911 | " | 18,599 | 8 | 0 |
| " 1912 | " | 22,984 | 12 | 0 |

Annual Fee Rate, 1903

Annual Fee Rate, 1912

| | Rs | a | p. | | Rs | a | p. |
|---------------------------------|----|---|----|-------------------------------|----|---|----|
| M. A. Classes | 90 | 0 | 0 | M A { 6th year Class | 90 | 0 | 0 |
| B A, B Sc Classes | 75 | 0 | 0 | { 5th year Class | 90 | 0 | 0 |
| Intermediate Classes | 60 | 0 | 0 | B A { 4th year Class | 84 | 0 | 0 |
| | | | | { 3rd year Class | 78 | 0 | 0 |
| Law Classes (external students) | 60 | 0 | 0 | Intermediate { 2nd year Class | 72 | 0 | 0 |
| | | | | { 1st year Class | 66 | 0 | 0 |
| Law Classes (internal students) | 36 | 0 | 0 | Law Classes (external) | 72 | 0 | 0 |
| | | | | Law Classes (internal) | 48 | 0 | 0 |

(c) Staff.

"In 1903 there were *three* European Professors and *four* Indian professors. At present there are 5 European Professors, 5 Indian Professors, 3 Lecturers 3 Demonstrators and 3 Assistant Demonstrators

(d) No. of students in Hostels.

| 31st March 1903 | 126 | Including Boarders of the school department |
|-----------------|-----|---|
| " 1904 | 144 | " |
| " 1905 | 175 | " |
| " 1906 | 178 | " |
| " 1907 | 224 | " |
| " 1908 | 248 | " |
| " 1909 | 148 | College students only |
| " 1910 | 169 | " |
| " 1911 | 200 | " |
| " 1912 | 239 | " |

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(e) Examination results Number passed.

| M A | | | | | |
|------|----------|-------|-----|------|--------------|
| | Previous | Final | B A | B Sc | Intermediate |
| 1903 | 0 | 2 | 19 | 1 | 30 |
| 1904 | 0 | 0 | 22 | 0 | 38 |
| 1905 | 0 | 2 | 16 | 2 | 14 |
| 1906 | 0 | 8 | 22 | 3 | 31 |
| 1907 | 0 | 1 | 8 | 2 | 42 |
| 1908 | 1 | 3 | 12 | 1 | 35 |
| 1909 | 4 | 0 | 18 | 1 | 37 |
| 1910 | 7 | 4 | 20 | 6 | 51 |
| 1911 | 9 | 6 | 35 | 7 | 42 |
| 1912 | 7 | 5 | 24 | 1 | 45 |

(f) Arrangements for hostel supervision.

"Boarders are under the supervision of a European member of the staff, who is provided with a residence in close proximity to the various hostels. The clerical work of the hostels is in the hands of a whole-time Indian subordinate, who also acts as Assistant Superintendent of the hostels and occupies a house in the boarding house compound. Each hostel has from 1 to 3 monitors who under the warden are responsible for the maintenance of order and discipline in their own houses.

(g) Athletics.

"The majority of the students are in residence, and the policy pursued of late years has been to encourage them as a body to take part in games, rather than to concentrate upon preparation of a few picked players to represent the College in matches.

"To put the College on a really sound footing, however, funds are required for the introduction of a regular scheme under which suitable salaries may be paid to approved members of the Indian and European staffs. For whereas at Government institutions like the Muir Central College, and aided institutions like the Canning and Aligarh Colleges, the salaries of approved professors increase to a fixed maximum, there is no such provision at the Agra College, with the result that our professors go elsewhere, as soon as they have gained experience and begin to be useful. At the Canning College the salaries of European members of the staff rise from Rs 500 per mensem to Rs. 750 per mensem by annual increments of Rs 50 per mensem, and it is intended shortly to raise the salary of European Professors to Rs 1,000 per mensem. Of the Assistant Professors one receives Rs. 450, one Rs. 170 and the remainder Rs. 200 per mensem. The three Demonstrators in Science receive Rs. 150 per mensem each. At the M A -O College the salaries of approved members of the European staff rise from Rs. 450 (after two years' probation at Rs 400 per mensem) to Rs 750 per mensem by annual increments of Rs 25. The salaries of Indian members of the staff rise from Rs. 125 (after two years' probation on Rs 100 per mensem) to Rs 200 and in special cases to Rs 300 by biennial increments of Rs 25. At the Muir Central College the salaries of European members of the staff rise from Rs. 500 to Rs. 1,000 by annual increments of Rs 50 per mensem while the pay of Indian Professors rises from Rs 100 to Rs. 300 and of Demonstrators in Science from Rs. 100 to Rs. 150 per mensem. At the Agra College the European Professors receive from Rs. 500 to Rs 550 per mensem, and no Indian Professor more than Rs 350, although the important and highly responsible chairs of Chemistry, Physics, and Mathematics are held, not by Europeans as in the other three colleges named above, but by Indians. Yet our men do the same work in preparation for the same examinations as the staff of the Muir Central, Canning, and Aligarh Colleges. A glance at the following table will make this clear —

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| Name of institution. | No of students, 31st March 1912. | No of European staff with salaries paid. | No of Indian staff with salaries paid. | No of students in College hostels. | No. passed in 1911 the M A, M Sc, LL B, B A, and B Sc, Intermediate Examinations | | | | | | | | | |
|----------------------|----------------------------------|--|--|------------------------------------|--|--------|----------|--------|----------|--------|------|------|--------------|--|
| | | | | | M A. | | M Sc | | LL B | | B A. | B Sc | Intermediate | |
| | | | | | Previous | Final. | Previous | Final. | Previous | Final. | | | | |
| M. C. College | 395 | 9 (Rs 500—1,000) | 18 (100—300) | 222 | 2 | 5 | 9 | 4 | | | 31 | 38 | 59 | |
| Canning College | 327 | 8 (Rs 500—750) | 12 (150—450) | 109 | .. | 2 | 2 | ... | 4 | 4 | 22 | 4 | 33 | |
| Aligarh College | 600 app. | 8 (Rs. 450—750) | 21 (125—300) | 531 | 5 | 3 | | | 24 | 4 | 65 | 8 | 46 | |
| Agra College | 324 | 5 (Rs 500—550) | 16 (100—350) | 289 | 9 | 6 | . | . | 17 | 8 | 85 | 7 | 42 | |

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"The Allahabad University requires that any Professor teaching up to the M A. standard should be a specialist and teach no other subject. As a first grade college we prepare students for the M A Examination in English, History, Economics and Mathematics and for the M.Sc degree in Chemistry, Physics and Biology. Our professors are also expected to take part in games and in the corporate life of the College generally. It will therefore be understood that men of a really good stamp are required, and that if we are to get them and keep them, we must pay them adequate salaries.

"Under the proposed scheme the salary of the Principal is fixed at Rs 1,000 while that of members of the European staff will rise from Rs. 500 to 750 by annual increments of Rs 50 and of Indian professors from Rs 250 to Rs. 400 by annual increments of Rs 30. Assistant professors will receive Rs 100 per mensem rising to Rs. 200 by annual increments of Rs 20. The salary of Demonstrators in Science will be fixed at Rs 100 rising in exceptional cases to Rs. 150.

"The Trustees also feel that in consideration of the large and increasing number of students in residence, improved arrangements are necessary for their control and supervision. To carry out this object it will be necessary to have a whole-time Indian superintendent under the Warden, who should be provided with quarters in the hostel compound, to cost say Rs 5,000 and receive Rs. 200 per mensem. If possible he should be a Medical man.

"The minimum annual cost of the salaries of the teaching staff under the above scheme would be Rs 64,680. The maximum Rs 95,880 and the average cost Rs 86,736 as against Rs 63,540 now paid in salaries. The total additional annual income required to be raised in order to carry out the scheme is therefore not less than Rs 23,196, towards which it is not likely that the College will, from its present means, be able to contribute more than Rs 10,000 per annum. A recurring grant of Rs 13,000 a year is very necessary to enable the trustees to carry out the scheme.

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APPEN

| Serial number. | Designation. | No. of years' service of present incumbent | Proposed annual increment per mensem. | Present salary per mensem. |
|----------------|--|--|---------------------------------------|----------------------------|
| | | Ys. Ms. | Rs. | Rs. |
| 1 | Principal | 17 3 | ... | 900 |
| 2 | Professor of History | ... | 50 | 500 |
| 3 | „ of Economics | 0 2 | 50 | 500 |
| 4 | „ of Biology | 1 1 | 50 | 550 |
| 5 | „ Logic and Warden of Hostels. | 2 4 | 50 | 550 |
| 6 | „ of Chemistry | 14 0 | 30 | 350 |
| 7 | „ of Mathematics | 9 0 | 30 | 300 |
| 8 | „ of Physics | 5 3 | 30 | 200 |
| 9 | „ of Arabic and Persian | 15 0 | 30 | 150 |
| 10 | „ of Sanskrit | 15 0 | 30 | 150 |
| 11 | Lecturer in Logic and History | 4 4 | 20 | 120 |
| 12 | „ of Mathematics | 3 2 | 20 | 110 |
| 13 | „ of English | 1 2 | 20 | 100 |
| 14 | Demonstrator in Physics | 0 2 | ... | 100 |
| 15 | „ Chemistry | 0 2 | ... | 100 |
| 16 | „ Biology | 1 6 | ... | 100 |
| 17 | Assistant Demonstrator in Physics | 0 2 | ... | 60 |
| 18 | „ „ Chemistry | 0 2 | ... | 60 |
| 19 | „ „ Biology | 0 2 | ... | 70 |
| 20 | Professor of Law | 23 2 | ... | 225 |
| 21 | Lecturer in Law | 0 2 | ... | 100 |
| 22 | Special allowance for Warden | ... | ... | ... |
| 23 | Assistant Supdt. of Hostels | ... | ... | ... |
| | Total, Rs. | ... | ... | 5,295 |

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DIX A

| Proposed minimum salary per mensem. | Proposed maximum salary per mensem | Maximum monthly increment on present expenditure. | Average monthly increment on present expenditure. | Minimum monthly increment on present expenditure. | REMARKS. |
|-------------------------------------|------------------------------------|---|---|---|----------|
| Rs. | Rs. | Rs. | Rs. | Rs. | |
| 1,000 | 1,000 | 100 | 100 | 100 | |
| 500 | 750 | 250 | 167 | 50 | |
| 500 | 750 | 250 | 167 | 50 | |
| 500 | 750 | 200 | 133 | 50 | |
| 500 | 750 | 200 | 133 | 50 | |
| 250 | 400 | 50 | 34 | 30 | |
| 250 | 400 | 100 | 67 | 30 | |
| 250 | 400 | 200 | 133 | 30 | |
| 250 | 400 | 250 | 167 | 30 | |
| 250 | 400 | 250 | 167 | 30 | |
| 100 | 200 | 80 | 54 | 20 | |
| 100 | 200 | 90 | 60 | 20 | |
| 100 | 200 | 100 | 67 | 20 | |
| 100 | 100 | ... | ... | .. | |
| 100 | 100 | ... | ... | ... | |
| 100 | 100 | ... | ... | ... | |
| 60 | 60 | ... | ... | ... | |
| 60 | 60 | ... | .. | .. | |
| 70 | 70 | ... | ... | ... | |
| 250 | 400 | 175 | 117 | 30 | |
| 100 | 200 | 100 | 67 | 20 | |
| ... | 100 | 100 | 100 | 100 | |
| ... | 200 | 200 | 200 | 200 | |
| 5,390 | 7,990 | 2,695 | 1,933 | 860 | |

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"The object of the trustees is gradually, and as funds are available, to replace the present old thatched bungalows used as boarding houses by proper hostels built for the purpose. In accordance with this policy it seems desirable to demolish bungalow No. 1 and to build instead of it a suitable pacca hostel to cost Rs 40,000. The present gas installation is insufficient for the three laboratories of chemistry, physics and biology, and does not produce enough gas or at sufficiently high pressure. An electric installation is required for high power microscope work in the biological department, for teaching electricity and magnetism in physics department and physical chemistry in the chemical department, and could be used with advantage to light hostels and drive *panikhas* in the hot weather.

"As a means of relieving the congestion of judicial business, I would strongly advocate the advantage of utilizing the services of landowners in the offices of Honorary Magistrates, Honorary Munsifs and Honorary Assistant Collectors. In India the landed classes represent the governing forces. They should therefore be largely associated with the regular administration in the aforementioned capacities. The large increase in the number of Special Magistrates in the United Provinces has already shown that the experiment of investing the landed gentry and the territorial aristocracy with magisterial powers has amply justified itself, and the above indicated honorary appointments will continue to be highly prized, to the great relief of the stipendiary courts.

"I regret to notice a large increase in the excise revenue. I beg to submit that an increase in drunkenness will mean increased misery and crime, and is no indication of increasing prosperity. I trust that our benign Government will be pleased to take necessary steps to restrict this evil.

"On page 130 of the Revenue Administration report of the United Provinces, Mr Moreland says —

'Another principle is the advantage of interesting the people in the correctness of the records. This principle has been at times overlooked, and the records have tended to become the patwari's secret. The periodical recital of portions of the fundamental records in the presence of the villagers is intended to secure their interest, the correctness of the records would be almost assured if every landholder and tenant would see that his own rights are properly recorded.'

"The above is a most excellent suggestion, and if carried out, would be attended with most beneficial results.

"On page 164 of the same book Mr. Moreland says — 'A good example of what may fairly be called a physical cause acting with cumulative effect is the increase of wild animals in areas bordering on cultivation. As wild cattle, deer and pig multiply, their ravages on the edge of cultivation tend to make the border fields unprofitable. As these are left fallow, grasses and shrubs spring up on them which afford flesh cover for the depredators, and the edge of cultivation gradually shifts, depriving the people of a portion of their resources while constantly exposing fresh land to loss.' In all such cases, licences for arms should be freely granted.

"The scheme of demonstrating on the spot the value of improvements in the agricultural methods, by operations on some plot rented from an actual cultivator or landholder, has proved to be a great success in most of the provinces of India. These model plots also serve as centres of seed distribution. At present the number of demonstration centres is miserably small. With all the emphasis I can lay on it, I most earnestly implore the Government to provide money for a considerably larger number of these model plantations.

"To stimulate the sugar industry, I consider it absolutely necessary that there should be a strong body of agricultural specialists devoted entirely to the promotion of this cause, and I would ask for at least three such officers to be allotted to the United Provinces, where practically half the total of Indian cane is raised. The

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Government scheme, it is true, provides for the setting up of demonstration farms, but I would move for a considerable increase of their number. It also strikes me as a sound idea that, co-ordinated with the model farms, there might with infinite advantage be training classes opened for instruction in cultivation methods, and if possible also small model factories attached to each farm for instruction in the technology of sugar manufacture. Such a system has very successfully been tried in the United States of America.

"It is strongly recommended that the Government should provide money for the creation of reserves of wood, fuel, &c., for agricultural purposes. Even in well-wooded localities, many villages are becoming denuded of trees, the work of felling being freely carried on, while no attempt is made to plant new trees. The people seem to be losing that strong religious feeling they once had about the planting and preservation of trees. Would it be out of place for me to suggest that, at one or more suitable places in each district, the Government and the estates managed by the Court of Wards might with advantage establish 'Fuel and fodder reserves'? These would serve as models for landholders to follow—for the example thus set them by the Government would surely prove a stimulus. Cowdung is most valuable manure within the reach of cultivators, yet the practice is to burn dung cakes as fuel in default of wood. If wood could be had for fuel, in lieu of dung, we should soon come to realize that more wood means more manure, and that more manure spells more and better crops.

"We are deeply grateful to the Government of India for having accepted the following resolution moved by my friend the Hon'ble Mr. Rama Rayingar in the Imperial Legislative Council:—'That this Council recommends to the Governor General in Council that, with a view to popularize knowledge of scientific agriculture in the country, the Local Governments be asked to consider the advisability of giving out of the recurring grants for education scholarships tenable by the sons of landholders and zamindars in the Provincial Agricultural Colleges.' The reasons given by him are so convincing as to bear quotation. He says—

'The cause of agricultural improvement will gain much by Government attracting into the agricultural colleges by special inducements young landholders. They will return to their farms with new and improved ideas of cultivation which will in time revolutionize the agricultural methods of the neighbourhood. They will in fact be missionaries in the cause. Correct notions of scientific agriculture will easily spread among agriculturists through these young graduates demonstrating their practical utility on their farms. It may be argued that landholders should be able to pay all the expenses of the higher agricultural education of their sons. The answer is that the conservatism of the class has to be broken through before they will spend their own money for the agricultural education of the younger members. We shall have to wait long for this consummation, and meanwhile the country will not derive the maximum good from the agricultural institutions. So long as the landholding classes do not introduce scientific agriculture on their farms the chances of a general agricultural improvement are little. The landholder must do the pioneer work. He is both the capitalist and the leader of the rural population. A great deal therefore depends upon his initiative and example. The sooner this landholding class is initiated into the principles and methods of scientific agriculture the better for the country. The money spent on the agricultural education of this class will accordingly be well spent.'

"I request the Government to award as many scholarships as funds permit.

"In the Central Provinces there are short courses for one or two months at certain of the farms. The provision of such short courses seems an admirable method of extending desirable practices. Similar short courses should be arranged for on the Government farms in these provinces.

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"Under the Court of Wards in Madras, definite demonstration farms have been established on some of the estates, where agricultural working methods are shown, which are considered to be practically applicable. Similar demonstration farms should be established on the large estates under the management of the Court of Wards in these provinces. The Government should provide more money for agricultural shows than is given at present. Agricultural shows are a means of bringing a larger crowd of cultivators into touch with the workers of the Agricultural Department than could be otherwise brought together and of demonstrating improved methods to them.

"With all the emphasis I can lay on it, I beg to invite attention to a very legitimate grievance of the people. The Superintending Engineer, II Circle, issued instructions in November 1906 to all divisions in his charge. Flow rates are charged wherever flow irrigation is possible, even if fields are irrigated by lift. These instructions have borne very hard in practice on cultivators. The resultant effect has been that in most cases where the lift rate should have been charged, flow rates have been imposed. Even where flow irrigation is possible only in a portion of a field, flow rates are levied as for the whole field. I respectfully request the Government to have these instructions modified which have naturally given rise to general discontent among cultivators.

"The departmental rules anent the promotion and punishment of police sub-inspectors are exceedingly unsatisfactory. People of good families no longer display the same keenness to enter their sons in the police department as before. The powers that control promotion and punishment are, under the recently issued Police Regulations, in the United Provinces, vested solely in Superintendents and District Magistrates. The latter officers, in a large majority of cases, have, under modern administrative conditions, their hands already too full in other directions; so these powers devolve entirely on Superintendents. The only occasion for the exercise of higher control than this is when the District Magistrate and the Superintendent happen to hold divergent views, or else in the event of an aggrieved sub-inspector making an appeal. It is very seldom that District Magistrates and Superintendents differ in opinion. I do not deny that among Superintendents there are men who would do credit to any service in the world. We are exceptionally lucky in this respect in the district of Agra. But I know of many cases where Indian police officers of the old stamp bring newly-enrolled sub-inspectors of police into disfavour with Superintendents of Police, and get them dismissed. The only appeal allowed lies direct to the Inspector-General of Police, who under the new rules is required to do work which in former days used to be distributed among at least eight Commissioners. Thus he is a very hard worked man. It is impossible to expect him to give each case that comes before him that close and personal attention which is so necessary in order to guard against any miscarriage of justice. It is no doubt true that the present Inspector-General of Police has taken the public into his confidence, and has done his best to purge the Police Department of all corruption. The result is that during his tenure of office, a general and decided improvement has come over the police force, taken all round, although there is still much room for improvement in the way of securing higher and more efficient detective skill. I am strongly of opinion that the first appeal should be to the Deputy Inspector-General of Police, and the second and final appeal to the Inspector-General. If, owing to the fact that the Police Commission negatives such procedure, a second appeal cannot be conceded, I would strongly urge the necessity of making it essential that the Inspector-General of Police should call for a report from the Deputy Inspector-General in each case."

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[Raja Shram Rakh ; Babu Moti Chand]

The Hon'ble RAJA SHIAM RIKH said :—

"I congratulate Your Honour's Government on the most satisfactory state of our finances. But I humbly submit, that in other countries such a handsome surplus would justify a substantial reduction of taxes on commodities, but unfortunately no such relief has been provided in our budget.

"I would humbly draw Your Honour's attention towards the hardship felt by some of the subordinate Government servants whose scale of pay was fixed in the sixties and which to my knowledge still remains unaltered in spite of the fact that prices of the necessaries of life have risen 50 per cent.

"It is a matter of considerable satisfaction to us to see that the Government has taken up the question of mass education in earnest, and I fully trust that the pay of teachers will be fixed at a generous scale so as to make it attractive.

"The increase from excise is, I am afraid, not an unmixed blessing as it invariably conveys a wrong impression of being due to the general prosperity of the people, but I beg to assure you, Sir, that such is not always the case. In other countries the habit of drunkenness ruins poor families and the case of these provinces in this respect is not a different one. To some extent increase in drunkenness may be attributed to the sale of country liquor in shops set up on most frequented thoroughfares where it easily sets a bad example to the non-drinkers and especially to the younger generation. I would therefore humbly suggest that its sale should be strictly prohibited in all public places.

"I also take this opportunity of congratulating the Inspector-General of Police for the remarkable up-to-date improvements that have been effected in the police administration. Only those who remember seeing the police what it was 40 years ago are able to appreciate fully the marvellous transformation that has taken place, and I have no doubt that under his able guidance police administration will go on undisturbed on the path of improvement and efficiency in spite of occasional adverse comments.

"In conclusion I beg to draw your honour's attention towards the crying needs of the agricultural classes of those districts where easy means of irrigation does not exist. They are grateful to Government for helping them with loans for the purpose of constructing wells, but this does not altogether remove their difficulty, as irrigation from wells has become very expensive on account of rise in prices of bullocks and other requisites. I would therefore humbly request Your Honour to grant them the boon of canals where such could be constructed easily."

The Hon'ble BABU MOTI CHAND said :—

"The most gratifying feature of the Budget for the year 1913-14, is the substantial increase in allotments under heads Education and Medical. Our educational budget for 1913-14 stands at Rs. 76,75,000 as compared to Rs. 52,13,000 in the original Budget for 1912-13. The allotment under Medical has risen from Rs. 30,79,000 in 1912-13 to Rs. 41,23,000 in 1913-14. These Budget figures for both the years, however, include large grants from the Government of India, and if they are excluded, the figures under head Education would stand at Rs. 43,04,000 for 1912-13, and Rs. 44,74,000 for 1913-14, and under head Medical at Rs. 22,79,000 and Rs. 24,93,000 for 1912-13 and 1913-14, respectively. In other words the provincial resources were expected to find the abovementioned amounts only for education, sanitation and medical relief, as compared to Rs. 1,24,10,000 under head Police, and Rs. 75,00,000 under head Other public works in the Budget for 1913-14. That education and sanitation have come to occupy such a secondary position in the provincial finance, is no doubt in a great measure due to the knowledge that the Government of India through its education department, would share liberally the financial burden of the obligation for making due provision for these two beneficial heads. This has led to a decline of interest attaching to the provincial educational

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Budget, as was pointed out by the Director of Public Instruction. In one sense therefore the Imperial grants may be regarded as having not a very healthy effect on the growth of provincial responsibility in these two directions.

"The growing revenue from excise must be an object of concern to everybody. The growth is ascribed to agricultural and general prosperity. Whatever the causes may be, the increased consumption of intoxicants cannot but be deplored. A further raising of the still-head duty ought to go a great way in decreasing the growing evil.

"The chronic complaint of this Province has been the inadequacy of its financial resources. The income in 1913-14 is estimated at Rs. 6,10,36,000, and the normal expenditure is estimated at Rs. 6,21,55,000, that is, the proposed expenditure exceeds the estimated income by Rs. 11,19,000, and this fact forcibly brings out the weakness of our financial position.

"There are two or three subjects of general importance on which I would like to make a few suggestions. First is the subject of milk supply. The question of securing to large towns the supply of pure healthy milk has been agitating the public mind for a long time. While the problem has been growing daily more pressing owing to the increasing difficulties felt in getting good milk, its solution seems to be nearly as far off as ever. The important part played by milk in the dietary of an Indian, and especially a Hindu, who is generally a vegetarian, and to whom it is an article of necessity for the preservation of his physical well-being and in the up-bringing of infants, need not be recited here. The deterioration of the milk supply is the cause of a number of physical ailments which are sapping the vitality of the people. Hence, from a sanitary point of view alone, the subject is such as deserves the very earnest attention of the Government. The question of how to secure a good and unadulterated supply of milk at a moderate cost, has been solved to some extent on such practical and business-like lines in Benares, that the adoption of similar measures in other places would I trust greatly improve the situation. If the system as it has been working in Benares is introduced elsewhere, and is further developed on lines suggested below, the problems of pure supply of milk, and of improvement in the number and breed of cattle would be nearer solution than it is at present. The milk dairy at Benares, as is well-known, is organized on a co-operative basis. There is a society, the members of which are mostly *gwalas*, which purchases milk at 10 seers per rupee and sells it at 8 seers per rupee, that is, it makes a gross profit of Re 1 per maund. Only that milk which is milked in the presence of the members of the staff appointed by the society is purchased. Calculating on a regular supply of milk at the rate of 10 maunds a day, the gross profit on sale would come to Rs. 300 per month, and this without any investment worth the name on behalf of the society. For the society has neither to purchase cattle, nor to feed them, nor to tend them. The society performs the function of a sale agent. The expenses of distribution, of establishment for looking after the purchase and sale of milk, of rent of shops in the city, and of carriage of milk, have, however, to be met out of the gross profits, and after deducting the charges on these accounts, there will be still a decent net profit. The amount of the net profit will naturally rise in proportion with the rise in the quantity of supply. It is, however, absolutely necessary that the cattle should be milked at regular hours in some fixed central place, and to ensure this it has been found necessary in Benares to construct a shed where all the milk-giving cattle are kept. Quarters for *gwalas*, and rooms for the storage of fodder have also been built, and the whole of it has cost only Rs. 2,500. The putting up of these structures enables the staff employed by the society to supervise the feed of the cattle also, and to enforce cleanliness and the observance of general hygienic rules. If dairies on this model are established elsewhere, and further, if superior breeds of bulls are attached to these

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dairies and if, in addition, grazing lands are also made available for rearing a superior breed of bulls and cows near these dairies, the whole thing being organized on a co-operative basis, it would be a practical move in the right direction on a business footing. The multiplication of such societies will bring about an appreciable improvement in the existing conditions. Before passing on to another subject, I would point out that, though the daily consumption of milk in Benares is between 250 to 300 maunds, and though the dairy at Benares does not supply more than 10 maunds of milk a day, yet its moral influence has been such that besides this dairy, it is now possible to obtain a pure supply, from other sources also, which was almost impossible before.

"It will not probably be disputed that one of the best ways in which agricultural prosperity can be promoted, and the cultivating classes fortified against the effects of drought, is by the organization of agriculture in its various departments on a co-operative basis. It will be found easier to introduce improved and enlightened methods of agriculture through co-operative agencies, than through individuals, firstly because the former will be in a better position to incur the necessary outlay for utilizing the improved implements and methods, which are generally costly and consequently beyond the capacity of the large majority of cultivators who cultivate small holdings, and secondly because the sense of strength that comes through numbers undertaking a certain beneficial, though new, departure, will overcome the conservative timidity which keeps back the backward Indian agriculturist from risking a step forward. I am aware of what is being done in rural areas for the promotion of agricultural industries through the agencies of co-operative societies in these provinces. I am, however, strongly of opinion that the time has now come which requires that the co-operative movement in the United Provinces, in the agricultural areas, should have the benefit of the advice and organizing experience of an expert from Denmark, or some other part of Europe, where co-operative organizations in the most advanced and developed forms are existing. The employment of such an expert will be an additional advantage in another direction. It will afford special facilities for the practical training of a number of Indians who will have to work under the expert in organizing co-operative societies on sound lines. The questions of improvement of breed of cattle, of cattle-farming, of milk, *giri* and fodder supply, and numerous other problems connected with the economic conditions of the country, are all capable of solution through co-operative organizations, and I would respectfully press upon the attention of the Government the great necessity of proceeding in the direction of developing rural co-operative societies under the advice of an expert who has seen and worked the advanced systems of the West.

"Much may be said on the improvement of sanitation in rural areas, but I think that not much can be achieved until the people themselves are prepared to co-operate and assist in the measures that may be adopted in this direction. There must be an intelligent appreciation of the steps taken for the improvement of sanitation on the part of the village folk, otherwise there may arise deplorable causes of misunderstanding. Hence in my opinion what is most urgently needed is the education of the rising generation in the public institutions in the practice and value of cleanliness, not through books merely, but through precept and example. I would suggest that habits of personal cleanliness amongst pupils should be encouraged by the creation of a public opinion in its favour in the different schools, and every means should be adopted to impress upon the minds of young people that cleanliness is a virtue the absence of which is a mark of inferiority in breeding and culture. More insistent attention should be paid by teachers of vernacular and other schools to cleanly looks and habits, and the inspectorial staff should show

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more keenness to raising the standard of cleanliness amongst the students in the different schools. Prizes should be awarded to encourage personal tidiness, for after all, it is through habit and practical observance of rules of sanitation, more than through the knowledge of principles, that the real education of the people in cleanly ways can be brought about.

"Coming to agricultural education, while recognizing the value of demonstration farms, I would suggest the formation of a peripatetic staff which should, as in America, go about the districts, to instruct people on the spot in the various improved methods of carrying on agricultural operations, and informing them of the benefits that would accrue by the adoption of those methods. It should be able to advise them on the spot as to how to treat the various diseases which attack and ruin the crops, and to demonstrate how it could be done. In other words the Agricultural Department should come in real living contact with the people. The results of experiments, though published in the form of bulletins and incorporated in agricultural journals, are beyond the reach of ignorant villagers, and if no such means are devised to bring to their knowledge the beneficial results of such experiments, their utility becomes mostly theoretical only, and the time and money spent upon them must be considered as more or less wasted. The operations in the demonstration farms lose much of their value to the practical agriculturist, when he sees that those operations require a lot of capital expenditure which has not yet been demonstrated to be remunerative. What the agriculturist wants is to be shown those methods which he can adopt with his limited resources to a greater profit to himself. I think the success achieved in these directions by the agricultural farms have been very limited and doubtful, and if the agriculturist is slow to appreciate the value of improved methods of agriculture, the fault is not wholly his. I think that the agricultural operations in the Government Farms are mostly in an experimental stage still, and this fact detracts a great deal from the value of agricultural operations demonstrated in them. A statement as to how far the different agricultural farms have yielded financially satisfactory results on the total outlay on each of them, will be very welcome.

"Increased irrigational facilities in unprotected areas are necessary for the development of the agricultural resources of the provinces. Numerous suggestions can be made in connection with this, but as to their practicability there will be necessarily a divergence of opinion. One of the methods in which these facilities can be increased would be by connecting the small streams which abound in eastern districts by means of a network of canals, in such areas as may be unprotected, and by diverting the rain water that may be flowing into the Ganges, by suitable devices, into these canals. An extensive survey would no doubt be necessary to ascertain at what points it would be feasible to intercept the volume of rain water flowing down into the Ganges, through *nalas* and through tributary streams, and to make it irrigate by means of these canals, the unprotected areas.

"The question of the supply of fodder is assuming graver proportions daily, and if a cattle famine is to be avoided, early steps are needed to lessen the gravity of the situation. The question is so involved and difficult that it is not possible to make a definite suggestion, and I would suggest the constitution of a committee of officials and non-officials competent to deal with the subject, to consider and report upon what steps should be taken to bring about an improvement in fodder supply, and to increase grazing facilities for cattle.

"In conclusion I have to offer my thanks to the Financial Secretary, the Hon'ble Mr Pim, for his able financial statement, to the Government of India for its handsome grants for furthering the cause of education and sanitation, and for the large remission of appropriations from cesses in aid of the general resources of the local bodies, to the official members in charge of the different heads of the Budget for their explanatory statements in connection with those heads, and to the Finance

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committee for its labours in connection with the Budget. To Your Honour we are specially thankful for the latitude given in the discussion of the Budget, and for the broad sympathetic attitude displayed by Your Honour in connection with matters of popular advancement and well-being that came up for discussion before the Council."

The Hon'ble SAYID RAZA ALI said —

"I feel delighted to be able to congratulate the Hon'ble Mr Pim on the prosperity budget that he has presented to the Council. Depending as these Provinces do mainly on agriculture, the year has not been without moments of anxiety, first in August and then again in December and January when we were face to face with a drought. But on both occasions we were fortunate in having the much-longed-for rain which relieved the Government as well as the people of all anxiety.

"Coming to the budget, the first thing that would attract the attention of every member is the grant of Rs 20,50,000 (Rs. 6,38,000 recurring and Rs. 14,12,000 non-recurring) that the Government of India have been pleased to make. Considering the educational needs of the Provinces the grant will be welcomed by everyone who is interested in the cause of education. Perhaps for the first time in the history of our Provinces the authorities will have at their disposal Rs 76,75,000 to spend on education. Our best thanks are due to the Government of India for the munificent grant, though it is to be regretted that only one-third of it is recurring. No real progress can be made in education unless, independently of the precarious grants from the Government of India, we are in a position to meet our wants from the provincial revenues. Your Honour is aware that the state of primary education is far from satisfactory. The middle classes are to some extent in a position to look after their own education, viz secondary and higher education. But the masses look to the Government for providing them with educational facilities. Bearing this in mind it seems to me that the allotment of Rs. 6,30,000 (Rs. 80,000 recurring plus Rs 5, 50,000 non-recurring) to European education implies a disregard of the claims of primary education. I do not mean that European education should be neglected, but the amount set apart for that purpose is certainly too large when we remember that our total educational budget is a modest one.

"It is satisfactory to note that some heads of revenue—principally Stamps, Forest and Excise—have made up for the fall under land revenue collections. But the enormous increase under Excise cannot fail to be a matter of deep concern to those who have the good of the country at heart. The Provincial Government receives three-fourths of the income derived from this source. It would be seen that the figures for 1911-12 are Rs 83,49,000 as against Rs 95,25,000 budgeted for in 1913-14. We find from Appendix II that 'the great bulk of the improvement is under the head of country spirits' which means so much increase in drunkenness. At enormous loss to her greatest dependency Great Britain has helped the Chinese to give up opium-eating. It is high time that something should be done to check and stop the growing consumption of liquor in these Provinces. The Government should not compromise with their conscience on this question. They should have a definite policy which must aim at uprooting the evil in the course of a few years. The duty should be enhanced not with a view to bring in larger receipts but to reduce the consumption.

"An effort should be made to reduce the expenditure under the head of Civil Works. This can be done in two ways. First, the buildings that are ordinarily constructed should not be monumental in their grandeur. They should be less pretentious and more comfortable. The system under which even the re-roofing of a Deputy Commissioner's office cannot be had for less than Rs. 19,000 cannot be looked upon as a model. Secondly, in making constructions the department should have a greater regard for economy than is displayed at present. True, the system of

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employing contractors places our engineers at a disadvantage, but after making due allowance on that score the fact remains that the house that is built by a private man at a cost of Rs. 10,000 would cost about 50 to 75 per cent. more if it were to be built through the department. There are a hundred and one objects to which the money now indiscriminately spent on buildings can be devoted.

"The expansion of revenue under Stamps leads us to hope that Your Honour may be pleased to give effect to the principle of separation of executive from judicial functions as an experimental measure in a few selected areas. There is no doubt that the advance should be made with due care and caution. But the time is ripe for this long-deferred reform. As has been repeatedly pointed out, what is necessary in the administration of justice is not only that it should be pure but also that it should be above suspicion. The system which combines the duties of a thief-catcher and a magistrate in one man cannot command the respect of the people. The question of additional expenditure does not, to me it seems, offer any real difficulty. Our financial position is sound enough to give us the extra money required for carrying out the experiment.

"Your Honour is aware that the district of Moradabad is without any canals. It is not unusual to come across two plots of land separated by a short distance from each other on the Rampur-Moradabad border, one irrigated and yielding a very good crop situated in the Rampur State, the other dependent on the rainfall and therefore producing a poor harvest, on the Moradabad side. But the project of the Sarda Canal has sent a ray of hope into the hearts of the people, and it is hoped that the engineering department will design the alignment in such a way as to provide practically the whole district with irrigation.

"This reminds me of the loss of property and also of life to which the inhabitants of the villages on the Moradabad-Kashipur Railway line are subject. As was pointed out in this Council by my friend the Hon'ble B. Brynandan Prasad, the flooding is due to the Rohilkhand and Kumaun Railway having failed to build waterways. Every year when there is a heavy rainfall the Ramganga is flooded. Before the construction of the Kashipur Railway line the water used to spread itself over a considerable area and passed on from one side to another. The railway line now acts as a sort of embankment, with the result that the villages to the west of the line are from three to seven feet under water and considerable loss of property as also of life is caused. The railway should consider itself fortunate that the tenants whose fields and houses are devastated by the flood are mostly occupancy tenants, whom the zamindars desire to vacate their holdings and therefore do not help them in their torture by the railway. But for this fact a number of suits would have been brought against the Rohilkhand and Kumaun Railway; and I am not at all sure that it would not have been prosecuted criminally. In view of these facts I would respectfully but strongly submit that this undesirable railway should not be permitted to extend itself in these Provinces unless it undertakes to build waterways, culverts and outlets to protect the lands of poor agriculturists from inundation.

"Another subject that I may be permitted to mention in passing is the want of metalled roads in Rohilkhand. During the past 40 years there have been very few improvements in the condition of the roads. The consequence is that discomfort is caused to those who may have occasion to use them and trade is to an appreciable extent injured thereby.

"Your Honour, there may have been some justification in days gone by for not extending to Kumaun the system of civil and criminal administration that obtains in the Provinces; but no such justification exists to-day. The administration of justice is growing more complex day by day, and it is no small wonder that the Commissioner of Kumaun should have found time up to now to try cases as a

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Sessions Judge. Civil cases involving fine points of law are decided by Deputy Collectors or young civilians who do not know much about civil law; and in such circumstances the litigants have to rely more on their luck than the strength of their claims. It is high time that Kumaun should be placed under the civil jurisdiction of the North-Western Provinces High Court and the same civil and criminal courts should be established there as are to be found in the rest of the provinces.

"There is one more question about which I deem it my duty to say a few words. The Government have been pleased to accord the right of representation to the Moslem community on the Legislative Councils. The entire community with a united will is desirous of an extension of that principle to the district and municipal boards. Your Honour, I am not unaware of the dangers of a separatist policy. But the real point to be determined before introducing an important measure like this, is, whether its advantages outweigh the disadvantages. It is obvious that the amount of good that will result from the further application of the principle to local bodies would far exceed the slight measure of harm that may be apprehended thereby. The reasons in support of the principle are too well known to require a reiteration here. But the reason why I have brought the question to Your Honour's notice to-day is not simply because I wish that justice may be done to the rightful claims of my co-religionists—though that object in itself is laudable enough—but because my conviction is that the present system causes chronic friction between the two great communities and is a *real* obstacle in the way of a better understanding between the Hindus and Musalmans. Let us take facts as they are. It is most unfortunate that racial and religious considerations should determine the issue of elections. But that is what is generally happening at present. I know a number of election cases pending in the courts of law which would not have gone there if the successful and defeated candidates had belonged to the same religion. At the time of election the Hindus and Musalmans are divided into two hostile camps, and the worst of it is that the bitterness of feeling long survives the election. All this stands in the way of those who are sincerely desirous of improving the relations between the two communities. But I would fail in my duty if I omitted to mention that what the Musalmans mean by separate representation is an effective and substantial, not nominal, representation. Any representation accorded to them on the sole basis of numerical strength would render their position much worse than it is at present. There would be no difficulty in places where the Moslem population is one-half or approximates to it. But a more elastic principle will have to be applied where such population varies from 10 to 20 per cent. Looking to the nature of the questions that often come up before the local bodies and bearing in mind the Government's decision to appoint more non-official chairmen—a decision that is heartily welcomed by the Musalmans—it is not unreasonable if they respectfully ask Your Honour that in no case should their numbers be so inadequate that if the Musalmans along with the non-Hindu members voted in a body for or against a certain measure their united voice should still fail to affect the voting.

"It only remains for me to offer our sincere thanks to Your Honour for the large measure of sympathy Your Honour has with the progressive movements of the day. Whether it be the Aligarh College, or the Nagri Paroharini Sabha of Benares, or the Gurukul at Hardwar, they are all indebted to Your Honour for the sympathetic consideration they have received at your hands. Of the three institutions I have named I know the Aligarh College best, as I received my education there. Your Honour, the misfortunes that have befallen the principal Moslem kingdoms have stirred combined feelings of deep sympathy and indignation among the Indian Musalmans. Some of the indignation may be unjustified, but when people are excited they are hardly in a position to bring a calm judgement to the consideration of those very affairs that have caused the excitement. Aligarh being the focus of

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modern Muhammadan thought, it is natural that the excitement should be found there in a greater degree than elsewhere, so that in the solution of the problems arising there we all hope and trust that Your Honour will be pleased to display that sympathetic patience of which Your Honour is so abundantly possessed. India stands in need of sympathy and nowhere is it more urgently required at present than at Aligarh. I do not think it necessary to dwell on the undesirable consequences of abrupt action in the affairs of the Aligarh College. The Balkan war will not last for ever and with the termination of war will come to an end the excitement that now obtains there. My plea to Your Honour, as also to all those who have any control over the affairs of the College, is one of *patience and sympathy*."

The Hon'ble DR. TEJ BAHADUR SAPRU said —

"I am afraid, if the Hon'ble Mr Pim will permit me to say so, he must be well-nigh fed up with the congratulations which have been heaped upon him since this morning, and I am not going to add to his weight of burden, except by saying that I sincerely admire the careful manner in which the budget has been prepared and presented to this Council. It has been customary in this Council for many years past to refer to the unsatisfactory character of our provincial settlement. The views of your distinguished predecessor, Sir John Hewett, are well known, and equally well known are the views of Your Honour. If I am not mistaken, Your Honour took occasion recently to say that you would first examine our expenditure and our needs and then if you were satisfied that there was a strong case for going up to the Government of India for a further increase in our allotment, you would not hesitate to go there. As I know that this is first the year of Your Honour's administration, and that Your Honour has already commenced examining our expenditure and also effecting economies in it as is evidenced by the character of the budget this year, I will not make any further comment upon this matter.

"In common with some honourable members who have referred to questions connected with excise, I shall beg leave to refer also to the increase of revenue that is shown under this head. The laws of the moral and material progress of a people are varying and complex, and it is not always correct to read the prosperity of the people in the increased revenue derived from excise. I therefore see no reason to congratulate the Government or the people upon the enormous increase of revenue under the head of excise. I find that the original budget for 1912-13 allowed for an income of 1 crore 18 lakhs, and we are told that it is probable that an income of 1 crore 23 lakhs will be realised, whereas the forecast for 1913-14 is 1 crore 27 lakhs. But, with what strikes me as a touch of grim humour, we are told that the great bulk of the improvement is under the head of country spirit, and this is apparently due to the more general prosperity and the greater efficiency of the contract supply system. Sir, is this, I ask, really due to increased prosperity or to increased moral depravity? It may be that the official mind approaches the question from a different point of view. An ordinary layman will certainly read in it an increased moral depravity. The argument that the more you drink the more prosperous you are may be quite true, but in my opinion the more you drink the more degraded you are. A prosperity which imposes no moral restraint upon the people but which exposes them more and more to temptations which must of necessity undermine their very moral, material and spiritual existence is really a curse in the guise of a blessing. I was looking up the report of the Excise Commissioner and found that he referred to the enormous increased growth of drink among the Pasis, Chamars and Bhangis of the Allahabad, Fatehpur and Partabgarh districts. He then says that there is a great opening for temperance work there. Unfortunately, I must express my agreement with him that we Indians too have failed in discharging our duties in this matter in the manner in which we should have done, but while I am free to make that confession I am not prepared to endorse the remark that 'in work of this

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kind official agency is obviously useless' I think, Sir, in a matter like this Government should place itself at the head of this social reform movement. That will be the test by which the intention of the Government will be examined by an ordinary man. I have no doubt in my mind that Government does not intend that there should be an increase in the drinking habits of the people, but if there is that is the consequence of the present excise system.

"I hope to be pardoned when I say that there may be some who may possibly put that interpretation upon it. I will say no more upon this subject, but I will only refer to the local committees to which a passage is devoted in the report of the Excise Commissioner. He says that these committees have not worked well on the whole. I must again express my regret that Indian members of that committee have not risen to the expectations of the Excise Commissioner, but if there are any Indian members who have not realized their responsibilities in this matter I think the plainest duty of the authorities is to put men on the committees who will be more zealous in their efforts to put down this evil. But the real thing about the local committees seems to me that their powers and duties should be clearly defined. They must not be committees merely advisory in their character, and unless a very strong case is made out to the contrary their decisions should ordinarily be accepted by local officers.

"I proceed now to the question of education. I must here express our indebtedness to Your Honour for having decided to appoint a primary education committee. I hope and trust that the result of the labours of this committee may be wholly useful and beneficial to this province and that with the recommendations of this committee we may be in a position to make a real advance in the matter of primary education. I had the honour to move a resolution on this subject just a month ago and I shall therefore not tread the same ground, but I shall only repeat what I said in the last meeting that the time has come when we should recognize the increasing responsibility of our provincial revenues for the normal expansion and improvement of primary education and that we should not make our further progress in this direction to depend on the fitful bounty of the Government of India. In fact, Sir Harcourt Butler said that the provinces which had more primary educational institutions had got more and were entitled to get more than those which had got fewer institutions. Therefore it seems to me, Sir, that, unless we multiply our present institutions, even in the matter of receiving gifts from the Government of India we are bound to fare worse than other provinces. I shall now make a few more remarks regarding secondary education, and the first thing that I shall submit is that we want more and better schools. The policy of the Government of India in this matter is well known and it was again explained recently in their well known resolution. I need hardly say that so far as the policy of giving liberal aid to primary schools is concerned it is entirely endorsed by the educated Indian community, and I would submit, Sir, that having regard to the backward condition of these provinces private enterprise and private agencies should be further encouraged to multiply schools and improve those that are already in existence. I notice that in some of the Government schools in recent years Indian Educational Service head-masters have been appointed. For my part I am free to confess that I do not share in this respect the feelings of many of my countrymen who do not favour such appointments, but at the same time I am bound to point out that it is no use having men of the Indian Educational Service as head-masters unless you begin from the very beginning and improve the character and quality of the school-masters below those head-masters. What is the use of sending ill-trained and ill-educated boys to these head-masters whose language they do not understand and whose accent is unfamiliar to them and whose very look is perhaps forbidding to them. Therefore I submit that while I welcome the appointment

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of a certain number of Indian Educational head-masters I would also urge on the Government the importance of improving the quality of teachers in the lower forms. It is really the improvement in the lower forms which will lead to improvement in the higher stages of education. While I am dealing with this question of education I must express to you, Sir, our thanks for having given relief to certain deserving members of the Provincial Educational Service. But at the same time I think I ought to point out that for the last many years not a single member of the Provincial Educational Service has been promoted to the Indian Educational Service. It can hardly be the case that we cannot find really capable and competent men in the Provincial Service who are deserving of promotion to the Indian Provincial Service. When I raised the question some time ago with regard to the appointment of a professor of mathematics in the Muir Central College, the only point which I wanted to make was, not that the man we get from England is an inferior man, but whether we cannot get an equally good man in this country. If you can get one here, there is no reason why you should go outside the country. I think, Sir, that the time has come when a more liberal policy in the matter of appointments to the Indian Educational Service should be adopted. I will only remind the honourable members of this Council of a remarkable article which appeared in the *Modern Review* sometime ago over the signature of a learned and distinguished professor of the Muir College—a man who has spent his life in India, viz. Professor Cox. There he says that there are some subjects for which you can get absolutely competent men in India, for instance, mathematics, physics and chemistry. I was talking the other day to another European professor of the Indian Educational Service, and he entirely agreed with me that there are certain subjects for which you can get absolutely good men in India. There are on the other hand certain subjects for which it will generally be necessary to get men from England or Europe. Take for instance English literature. To teach English literature or modern European history you must go abroad to select your man, unless you can get really a first class Indian who has received education in England. That is all, Sir, I have to say on the subject of education.

"I shall now bespeak the attention of Your Honour's Government to a subject which has not yet attracted proper attention. That is the question relating to the trial and punishment of juvenile offenders. As Your Honour is aware, the question is one which has attracted considerable attention in recent years in Europe and in England. In England, in the year 1908, an Act was passed called the Children's Act of 1908, which provides for special mode of trial and special punishment for juvenile offenders, and I may point out here that just about that time, or rather about a year later, one of the Native States of India, I refer to the Baroda State, undertook legislation in this respect and so far as we have been able to know the result has been absolutely satisfactory there. Of course it is in an experimental stage yet, but what I submit is that scientific and moral considerations require that you should not try young people, whom it is possible to reclaim, along with the ordinary criminal, and that you should not make them undergo the degrading forms of punishment to which a hardened criminal is usually put. In England the Legislature has gone so far as to lay down in that Act that neither a sentence of death nor a sentence of penal servitude can be passed on persons who are under 14 years of age. Therefore I submit, Sir, that something should be done to place the law in regard to the punishment and trial of juvenile offenders on a more satisfactory footing.

"Originally I intended to speak only up to this point, but I feel compelled to refer to a point raised by my friend the Hon'ble Syed Raza Ali. It is a subject on which I think every Indian must speak with a true sense of responsibility. There is, I also, feel no other subject on which a speaker is likely to be so much misunderstood as the thorny subject of Hindu and Muhammadan

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[*Rai Bishambhar Nath Bahadur*]

representation Your Honour, I would certainly have refrained from referring to this question, but I know that Your Honour is deeply interested in the solution of this question, and in speaking on this occasion I shall speak with the restraint which the dignity of this Council imposes upon every member. I do not know what the Hon'ble Munshi Raza Ali means by adequate representation, but I can quite understand what is meant by separate representation. For my part I have held this view for many years that if the Muhammadan community thinks that its political salvation lies in separate representation it is the duty of every Hindu not to offer any opposition to the demand for separate representation. I know that it is not the view of the general Hindu community in this province. That is however the view which I have held very strongly for many years. But while I am prepared to concede that if the Muhammadan community wants separate representation we should not oppose it, I am not prepared to concede the claim for any excessive representation. I think I owe it to the Hindu community and to the Muhammadan community to say plainly and without any equivocation on the subject that so far as the demand for excessive representation is concerned it will not meet with the approval of the Hindu community. I do not wish to raise the question of what will be adequate representation. It is not right to raise this question incidentally, and I shall wait to discuss it until it is formally and properly raised before this Council. But certainly if by adequate representation is meant that a community which numerically is only 14 per cent of our population should have 50 per cent or 40 per cent of seats it will be impossible to secure the assent of the Hindu community of this province to such a proposition. I am prepared to go as far as possible having regard to the ultimate issues involved in this matter, and even if it entails some sacrifice on the part of the Hindus, I shall not be sorry, provided that it really places our relations with the Muhammadan community on a better footing. Sir, I shall conclude by suggesting that a private conference on this matter may be called at which Your Honour may preside and where Hindu and Muhammadan leaders, both the moderates and extremists among them, may talk over this matter face to face. It may be that much of the misunderstanding that exists on the subject may disappear when they are face to face with one another. I have nothing more to say."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR said —

'Before making a few observations on the budget for the year 1913-14, I must thank the Hon'ble Mr. P.M. for his lucid exposition of the financial position of our provinces, and congratulate the Government on the opening of the new year under prosperous conditions. Your Honour's extreme solicitude for economy is shown in the decrease of Rs. 21,000 under Your Honour's personal staff and household expenses.

"A notable departure that has been made in the present budget is the provision of Rs. 15,000 for benefactions, which, quite in keeping with oriental sentiment, will afford an opportunity to the people of realizing directly the beneficence of their Sovereign's representative. Your Honour, on the present occasion I would confine myself mainly to some of the needs of the municipality which I represent. It is only by the way that I would refer very briefly to a few other questions. The Government is well aware of the improvements which are urgently required in the different branches of the municipal administration in Cawnpore. The necessity for drastic improvements in the sanitation of the city has been recently the subject of a special report by the Deputy Sanitary Commissioner. Before this, vivid descriptions have repeatedly been given of the grossly insanitary conditions amidst which the vast majority of our people have to live in the city where the average density of population, 103.77 per acre, high enough, has in some mohallas gone up to 480 and even 508 per acre. Describing the huge

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'compounds' or *ahatas* of our city the last Census Report says correctly that 'the houses there are so close, and the whole area so thickly populated that one only needs to look at them to see that the overcrowding is tremendous' The drainage is hopelessly defective and in the narrow lanes refuse and filth accumulate to an almost inconceivable extent All sorts of diseases have therefore made a permanent abode in our city and epidemics make their regular visitations. No wonder mortality is very high During the ten years from 1890 to 1899 the average of deaths per 1,000 of population was 46·27

"During the period from 1900 to 1909 it leapt up to 67·70 It is true, plague has made a substantial contribution of 12·30 to this figure but the mortality due to other causes, by no means non-preventable, is not less appalling Even during the year 1911-12 the death-rate went up from 56·22 to 60·37 Besides plague, on account of which the percentage of deaths was 16·01, other diseases, particularly malarial fever, tuberculosis, pneumonia and tetanus have also been making havoc amongst us. In Lucknow and Benares where the population is larger than in Cawnpore the average of deaths per 1,000 of population annually from 1901 to 1910 was 55·54 and 59·86 respectively, as against 67·47 in Cawnpore.

"Your Honour, unless large and comprehensive schemes will be taken up for the opening out of the congested areas in our city, for improving its drainage and the wholesale paving of the lanes, the future of Cawnpore, like its present, so far as sanitation is concerned, is bound to remain gloomy The only remedy that can be suggested is the one which was usefully adopted in Bombay. Purchase unhealthy localities, demolish all houses therein and build anew on sanitary principles. But it requires a very large expenditure, which without the help of the Government it is quite impossible for our municipality to meet. I am grateful to Your Honour for the grant of Rs 10,000 given to us in aid of the Edward Memorial Fund, Rs. 58,000 for sanitation and Rs 20,000 given last year for the infectious diseases hospital, but I submit most respectfully that the large schemes referred to above cannot be carried out unless we receive substantial aid. Your Honour while addressing the Chamber of Commerce was kind enough to state that a committee would speedily be appointed to consider the problem of the expansion of our city. The committee has not yet been appointed, but it is anticipated that as a result of the appointment of such a committee it will be necessary to have an improvement trust on a scale proportionate to those that have been created in Calcutta and Bombay Cawnpore is the leading industrial centre in Upper India and there appears to be no reason why the commercial capital of the United Provinces should not fare as liberally at the hands of the Government as the capitals of Bengal and Bombay May I therefore hope that out of the grant which the Government of India has given this Province for sanitary improvements, a sufficient sum will be earmarked for the improvement trust at Cawnpore to enable it to conduct operations on a scale as great as those in Bombay and Calcutta." Very little can be done with the scanty funds at our disposal Although our board has heavier responsibilities and greater difficulties to encounter than any other municipality in the Province, it has not met with such generous treatment at the hands of the Government as other municipalities. The following figures taken from the Government reports on Municipal Administration and Finance for the United Provinces illustrate my contention. In the years 1909—1912 Cawnpore received only the petty sum of Rs. 12,804, while among other municipalities the following sums were distributed—

| | Allahabad | Cawnpore | Lucknow | Agra | Benares. |
|------------|-----------|----------|----------|----------|----------|
| | Rs | Rs | Rs | Rs | Rs |
| 1911-12 .. | 4,19,289 | 8,902 | 1,94,427 | 75,630 | 1,57,000 |
| 1910-11 .. | 72,226 | 2,902 | 2,00,000 | 27,500 | 26,000 |
| 1909-10 .. | 21,010 | Nil | 45,817 | 40,500 | 89,167 |
| Total .. | 5,12,565 | 12,804 | 5,80,244 | 1,49,000 | 2,24,167 |

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[Rai Bishambhar Nath Bahadur]

The Board is faced with great difficulties in maintaining in a decent state of repairs about 51 miles of roads which carry the heaviest traffic in the Province. We cannot afford to spend even the required 5 per cent. of our income on education. Our total expenditure last year under this head was only Rs. 17,556, or 2.65 per cent. of our income, and this includes the paltry amount of Rs. 3,275 spent on female education from the municipal funds. Your Honour, there is a growing appreciation and demand for female education in our city which it is the duty of the State to meet. It was only the other day that Shrimati Janki Bai of Bithoor in Cawnpore endowed a girls' school with property worth a lakh of rupees. Besides some missionary institutions, the only three decent girls' schools in our city Balika Vidyalaya, Kanya Vidyalaya and Victoria girls' school are entirely the result of public enterprise and private charity. Balika Vidyalaya, which raised a decent amount for its building three years ago, has not yet, in spite of repeated petitions, been granted even the facility of a suitable plot of land to erect its building on. Your Honour, it is only proper that the authorities should encourage and meet half way such philanthropists and patriots as have a genuine desire to educate the future mothers of our race. I observe in paragraph 20 of the Appendix to the Financial Statement that a sum of Rs. 60,000 is earmarked as a recurring sum to be expended on the improvement of aided English Secondary Schools. As a member of the committee of management of the Pandit Prithi Nath school in Cawnpore I would venture to urge the claims of this institution to a share of this sum. The Director of Public Instruction will, I am sure, support me in my statement that this is one of the best English Schools which has been started and carried on by private agency. We are grateful for the amount that the Government has recently given as a grant towards the cost of a new building. Your Honour is aware of the necessity for the new building, as you did the school the honour of paying it a visit, but the committee is anxious to improve the teaching staff with a view to raise the school ultimately to the High School Standard. The scale of pay of the teachers will have to be considerably increased, which will involve a substantial addition to our recurring expenditure. The founder of the institution and its supporters have already given as liberally and generously as they could well afford from their means and the Government might well encourage their public spirit and generosity by increasing the grant to enable the objects of the Committee to be attained.

"As Your Honour has yourself recently inspected the city of Cawnpore and seen with your own eyes the crying needs of that city, may I hope that Cawnpore will now receive its due share of any funds at the disposal of the Government. I hope, at present, the Government will be able to meet the modest proposals which I have submitted to the Financial Secretary for grants for the immediate improvement of sanitation and education and for an experiment in using granite setts for roads with heavy traffic. All the proposals have been definitely worked out and I would ask that the amounts required be found out of the surplus available this year.

"Your Honour, your predecessor, Sir John Hewett, was kind enough to give us a whole-time official chairman for which we are grateful. I am confident that in Your Honour's régime the policy of local self-government inaugurated in the famous Resolution published by the Government of India on the 18th May 1882, and which has subsequently been supported and confirmed in Lord Morley's despatch of 1908 will be fully carried into effect. We should be allowed to proceed a step further and soon have the privilege of electing a non-official chairman for our board.

'Education has sufficiently advanced since 1882, and, as was anticipated by the Marquis of Ripon, there has now grown up all over the country an intelligent class

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of public spirited men whom, in the words of the Resolution of the Government of India, 'it is not only bad policy, but sheer waste of power to fail to utilize'

"A few words on other branches of administration and I have done. I thank Your Honour's Government for the much-needed recurring provision of Rs. 1,500 made for furnishing some means of subsistence to prisoners on release from jail. But I cannot help noting with regret the delay in fully carrying into effect the recommendations made by the Jail Committee of 1889 about the pay and prospects of the jailors. The delay is to be regretted all the more when I see that the recommendations of the Committee were promptly adopted in other Provinces while our Government has not seen its way during the last 23 years to attend to them as it should. It is true, Your Honour, the scale of jailors' pay was revised in 1906, but the measure adopted did not do any good to the majority of jailors. It raised the maximum pay of a jailor to Rs. 250 and created the grades of Rs. 200, Rs. 175, Rs. 150, and Rs. 125, but so small a portion of jailors occupy these grades that the majority of them not only did not benefit from the measure, but most of them have no hope of ever reaching those grades. The Jail Committee of 1889 recognizing the hard and multifarious duties, heavy responsibilities and continuous work of a jailor, and comparing him with a police inspector, recommended his starting pay to be Rs. 75-5-100, the maximum being Rs. 350. This was in 1889, when the cost of living and education was not so high and the number of jailors was also comparatively smaller. But at present, while the police inspector begins with Rs. 150 a month, a man working in the Jail Department has to pass through various subordinate grades for not less than 15 years before he can hope to be a jailor on Rs. 50 a month and unless he is a very fortunate man rises up to Rs. 125 a month when he has to retire. Your Honour, in the public interest it is as necessary to attract and keep contented efficient men of integrity in this service by increasing their emoluments as it is in any other.

"This leads me to cast a glance at the medical line and in this connection to enter my respectful but emphatic protest against the idea of making distinctions and levying fees in public hospitals, contained in the Resolution of the Government of India, dated the 19th February 1913. Your Honour, I agree in this respect with the views expressed by the provinces of Madras, Bengal and Assam and hold that the really well-to-do do not resort to public hospitals in these provinces, and it would not only be difficult to draw a line between rich and poor without inquiries which would be resented, but there would be great harassment of the people at the hands of the hospital employés. Your Honour, there is a large class of poor men, a little above absolute paupers, who neither like to be heckled about their economic condition in the hospitals nor can afford to secure treatment on Western methods which at present is extremely expensive in the hands of private practitioners. To let the hospital surgeons—who after all are public servants—enjoy the privilege of private practice and at the same time to invest them with the power of making distinctions amongst the patients resorting to hospitals would go very much against the poor. If, however, the Government is anxious to protect the interests of private practitioners, what in fact is needed to begin with is the appointment at least in the first class hospitals of residential surgeons on adequate salaries and to prohibit to them private practice absolutely. They can be supervised and assisted by visiting surgeons if necessary.

"It is a pity that the Government which is trying earnestly to resuscitate oriental learning does not patronize and encourage also the Ayurvedic and Unani systems of treatment, which are indigenous, less expensive and after all more accessible to people in all parts of the country. I wish the resolution moved some time ago by my friend the Hon'ble Lala Sukhbir Singh for the establishment of a school for the teaching of Ayurvedic and Unani systems of medicine had been carried. Medical relief is as necessary for preservation of life as suitable sanitary

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surroundings. To enforce, therefore, under present conditions the aforesaid resolution of the Government of India as least in these provinces will be nothing short of disaster to the poorer classes.

"I am sorry, Your Honour, to notice the continued and unchecked expansion of the Excise Revenue. Not to go further back, when the revenue was smaller the figure went up from Rs. 86,76,811 in 1909-10 to Rs. 1,02,79,365 in the next year only to rise higher to Rs. 1,11,31,787 in 1911-12. The budget for 1912-13 assumed a revenue of Rs. 1,15,00,00, but the revised estimate raises the figure to Rs. 1,23,00,00, while in the budget for 1913-14 a revenue of Rs. 1,27,00,000 is estimated. In other words, the receipts from this source have mounted in the space of five years by over 40 lakhs, a circumstance which cannot but cause deep anxiety to those who feel a sincere interest in the welfare of the people, who, we all know, can ill afford to spend so much of their income on the use of intoxicants. I will not now and here attempt an examination of the whole question, but will urge on Your Honour's Government one reform which is simple and at the same time beneficial. I will ask respectfully that the opening of shops for the sale of intoxicants at *melas* be absolutely prohibited. And I will cite in support the authority of an eminent retired civilian who has won the regard and esteem of the Government as well as of the people. Sir Frederick Lely, to whom I allude, writes thus in his useful little book on Indian Government —

'I would ask for no more concise instance of how, with the best intentions, we often take the wrong road in India. Liquor shops are held to be justifiable at *melas* because their prohibition at a European cricket match would be resented. It is with dismay that I see such arguments advanced and accepted by men high in office. It is enough to reply that a Hindu *mela* is not an English cricket match. We often talk of the decay of authority in India, but is it remembered that Government has itself abjured most of the functions which would give it moral dignity and 'divine right' in the eyes of the Oriental? In such matters as that of the liquor traffic there is only one course which will secure for it the respect of its subjects, and that is to make clear to the simplest folk not by Government resolution, but by action, that it only handles the thing to check its use by all admissible means. A booth reeking with seductive fumes deliberately set up when and where the people gather together to say their prayers and amuse their children, for the sole object apparent to the passer-by of bringing coppers to the till of Government is degrading and destructive of reverence and loyalty.'

"Your Honour, as I said in the beginning I would not on this occasion take more of your time with remarks on other departments of administration. I have only to thank Your Honour and the Honourable Council for the patience with which you have listened to the observations I have ventured to offer on this occasion, though much of what I have said is perhaps of no more than local interest."

The Hon'ble LALA SUKHBIR SINGH said:—

"The budget which our worthy Finance Secretary the Hon'ble Mr. Pim has presented to-day breathes prosperity under almost every head for which our best thanks are due to him as well as to the honourable members of the Finance Committee who took so much interest in it.

"It is creditable to the Finance Secretary that the receipts under almost every head are more than the estimates, while the expenditure has been kept well under control, the result of which is that we have a large balance of Rs. 131 lakhs in hand i.e. about 111 lakhs more than the compulsory minimum of 20 lakhs.

"The budget shows that in the coming year we shall have a still better income than in the past and particularly from Forests, Stamps and Excise. But it is with

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[*Lala Sukkhar Singh*]

much regret that I have to note that the increase under the two latter heads, i.e., Excise and Stamps, is an indication of demoralization of the people, inasmuch as more consumption of intoxicants and more resort to litigation are a curse to society.

"Having said so much about the budget itself, I beg leave to say a few words on some of the important subjects which I think deserve attention of this Hon'ble Council. They are education, sanitation and agriculture.

"We are very thankful to the worthy Finance Minister of the Government of India, the Hon'ble Sir Guy Fleetwood Wilson, for his policy of economy and retrenchment on account of which he has been able to allot liberal amounts to all Local Governments for the improvement of Education and Sanitation. In addition to these special grants they have very generously improved the financial condition of our District Boards by making a concession of the rural police charges which will amount to about 20½ lakhs a year. That these provinces are very backward as regards education is a fact which cannot be denied, but we hope that with the help of the special grants noted above and of the special attention to this subject by the Education Member, the Hon'ble Sir Harcourt Butler, and the interest which our worthy Director of Public Instruction, the Hon'ble Mr. de la Fosse, is taking for its improvement, the situation will be much improved and we shall not be left behind the other provinces as we are at present. The spread of primary education deserves foremost attention. I think it should be so arranged that it may be within the reach of all children of a school-going age. The number of schools now is so very limited that children have to go far off from their homes to seek education, which in a way prevents many of the parents sending their children to such long distance for receiving education. I beg leave also to point out that in the existing schools the staff of teachers is very inadequate and to a degree inefficient on account of low pay. It is, however, gratifying to see that our learned Director of Public Instruction is going to frame a scheme and has called for reports from every district board for the opening of new schools and the improvement of the existing ones, which will, I hope and pray, receive due attention at the hands of Your Honour's Government. In this connection the subject of making education compulsory and free is also deserving of attention. I would respectfully submit that it may be tried with some reservations in a few districts of those Provinces as an experimental measure and a committee be appointed to draw up a scheme for its working. The most important fact in my opinion is to make primary education popular and useful. Besides an increase in the number of teachers in existing schools and in the number of schools themselves, I think the present methods of teaching and inspection require consideration and oriental methods of teaching should not be ignored altogether. As for inspection of schools the methods should be such as to bring the head-man or the influential man of the place where the school is located, into touch with the inspecting staff, so that any suggestions or grievances that they may have may be heard and noted and steps taken for their removal. Another point to which I would invite the Council's attention is the extensive trade which is being carried on in connection with text books, and the enormous profits which are being made by the high prices of such books and these profits are made from the poor agriculturists. As regards secondary and higher education I would particularly draw the attention of Your Honour's Government to the desirability of extending the hostel accommodation, particularly for the High Schools, and of making provision for religious training in them. It gives me great pleasure to find in the budget that a provision of 8½ lakhs has been made for them out of the special non-recurring grant of 42½ lakhs made by the Government of India to these provinces. The present method of imparting secondary and higher

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[*Lala Sukkhir Singh*]

education seems to me defective, when as a matter of fact the boys have to depend upon private tuition. This system of private tuition has now become so extensive that some remedy is certainly called for, and in my opinion the only remedy lies in strictly prohibiting the giving of home-tasks to students and in curtailing the text-books. This is necessary in the interest of the health of the boys. At my request the Director of Public Instruction was pleased to issue a circular letter on this subject, but I am sorry to note that the instructions contained therein are not generally followed. Another point to which I wish to draw Your Honour's attention is the fact that at present in the European Schools no Indian boys are admitted, and if any is taken he is an exception. The advantage of admitting Indian boys of good social status and high families to the European schools, and by thus allowing them an opportunity of mixing freely with European boys and by remaining in touch with European teachers from a very early age, are many and I think it will be a distinct gain to them.

"As regards sanitation, much is being done for the urban areas, but very little has been done for the rural areas. The want of pure drinking water in the rural areas is particularly to be noted. It is an important subject, as the health of the people to a large extent depends upon it. I would therefore suggest that the additional income now available to the District Boards on account of the concession of police charges made by the Government of India should be devoted to a large extent in the improvement of sanitation, drainage and supply of pure drinking water in rural areas. I fully understand that habits centuries old cannot be given up easily, but I think it will be a good thing if in village schools, by text books or in some other suitable way, interesting lessons bearing on health, cleanliness and general sanitation are introduced, so that the mind of the village youth may understand the benefits of sanitary habits and surroundings. It should be made one of the essential duties of the teachers to pay attention to the personal cleanliness of pupils, especially in the Primary Schools, and it should be made a duty of the inspecting staff also to report in their diaries on the general cleanly habits of the boys of the institutions which they inspect.

"The prosperity of the people of these provinces depends much upon agriculture, and it is their main occupation, inasmuch as about 80 per cent of the population depend upon it. It is the chief source of income to the Government also, as out of the total provincial revenue of about 11 crores 12 lakhs, land revenue alone gives about 6 crores 46 lakhs, that is, more than half. Such being the case, it is not gratifying to see that so little is being done for the improvement of agriculture, as the figures will show that only about 4 lakhs 26 thousands are provided for expenditure on agriculture, which is even less than last year by Rs. 70,000. It comes to about $\frac{1}{3}$ per cent. Although the Government of India has kindly given us a grant of Rs. 60,000 for the improvement of agriculture, yet the total amount is far from adequate. We have not even a separate department for agriculture nor a separate director.

"I beg to draw the attention of this Hon'ble Council to the following points among others on which depends to my mind the improvement of agriculture. Briefly stated they are —

1. More lenient assessments of land revenue.
2. Spread of agricultural education among the masses.
3. Improved seed and implements.
4. Extension of irrigation from canals and wells and the storage of rain water.
5. Improvement of cattle breeding by providing bulls and grazing lands and by adopting means for the better production and supply of cheap fodder.
6. Discouraging the indiscriminate slaughter of cattle.

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[*Lala Sukhbir Singh.*]

7. Development of industries such as sugar manufacture, indigo, cotton fabrics, &c

8 Reclamation of waste and precarious lands subject to floods.

"Now, Sir, I will take leave to say a few words about each of them

"The question of the assessment of land revenue in these provinces is of vital importance and I am not going to deal with it in detail

"What I want to point out today is that the assessments should be made more leniently so that the agricultural classes may be able to invest more money in the improvements of their lands and of agriculture I am glad to note that this idea has been kept in view in some of the recent settlements of land revenue and I hope that it will be followed in future also in a liberal way.

"The present arrangements for the imparting of agricultural education is not adequate. There is only one college at Cawnpore and that too is not attractive to the sons of zamindars and agriculturists, and only one agricultural journal called "Mufid-ul-Mazarain" is issued by the department and a few bulletins in English on some important subjects are issued from time to time but I think that it is not enough

"In an agricultural country like India, special arrangements for practical agricultural education ought to be made, and I would like to make the following suggestions —

1. The Cawnpore College should be made more attractive to the people, as to which the Zamindars' Association, Muzaffarnagar, of which I had the honour to be the Honorary Secretary, had made certain suggestions in their address presented recently to your Honour at Meerut.

2. More demonstration farms should be opened, and lectures by competent inspectors be delivered on the farms as well as in their circles.

3. Bulletins should be published in vernaculars describing particular improvements in agriculture and arboriculture. In other countries they are issued by thousands, while here in three years from 1907 to 1910 only seven bulletins were issued

4. Some provision should be made for the giving agricultural education also in village and other vernacular schools.

"Little improvement, if any, has been made in seeds or in implements of Agriculture, and the cultivators cannot get better seeds in time. For this purpose I would suggest that the co-operative societies may be asked to undertake this work also They may keep in store seeds of superior quality and improved agricultural implements of improved type and sell or give them on hire to the members.

"Irrigation from canals, wells, and tanks should be extended.

"As to well irrigation I beg to point out that—

(a) assessment of land revenue on lands irrigated from newly constructed wells should be made more lenient so that people may be encouraged to sink more wells ;

(b) the district boards should give more freely all possible help to those who want to sink new wells by providing them with expert well sinkers and apparatus, &c

(c) suitable power-lifts to raise water from wells and tanks may be introduced.

"As to the preservation of rain water, I would suggest that bands and small rivers and tanks of suitable type in the fields might be constructed where practicable.

"We are highly thankful to the Government for having established two bull-rearing depots at Kheri and Muttra, which will remove to a great extent the present

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[Pundit Moti Lal Nehru.]

difficulty of getting good bulls, but some arrangement should also, I think, be made for improving the mother stocks. The number of cattle is decreasing and the breed also is deteriorating. *Ghu* and milk are now becoming out of reach even of middle class people. Bullocks have become very expensive, and agricultural people cannot keep a sufficient number of bullocks for want of grazing lands and fodder while tens of thousands of the cattle many of them in the prime of life, are killed daily for food. The preservation of cattle has now become a great economical question and many Muhammadians also are in its favour on the same grounds.

"In this connection I wish to make a suggestion for Your Honour's consideration and it is that some provision be made that no cattle under 8 years of age is killed in the municipal slaughter houses and the Commissariat, so that the mother stock may not be destroyed before giving birth to a few calves at least. Some 2 years ago Government was pleased to draw the attention of the municipal boards to provide grazing lands for cattle, but it is not known as to what action, if any, has been taken in the matter. It will prove very useful indeed if the boards will provide lands for grazing purposes.

"A number of mills have been established in these Provinces by private enterprise, but it is regrettable to find that many of them have failed for want of good organization and supervision, and hence people have lost confidence in them and hesitate to invest money in such concerns. Formerly hand industries were paying, as they had not to compete with cheap mill-turned articles of other countries, but now they cannot stand the competition, and it has thus become absolutely necessary to turn our mill articles in India itself.

"For this purpose money and co-operation of the people are required, but this cannot be done unless the Government is pleased to frame necessary rules and give a helping hand to them. I think an inquiry should be made on this subject through a Commission so that mills may be well organized and efficiently worked on some guaranteed system like Railways or some other suitable methods be adopted to encourage them."

The Hon'ble PANDIT MOTI LAL NEHRU said —

"I heartily join in the general chorus of appreciation which has greeted the Hon'ble Mr Pim. The care and ability bestowed by him on his first budget are so obvious that it is not a mere conventionality to congratulate him on the eminently satisfactory result of his labours. While our thanks are due to him for the clear exposition of our financial position, we are indebted to Your Honour and to the Government of India for what strikes me as the chief characteristic of the budget, viz. the distinct vein of sympathy which runs through the maze of figures contained in it. No budget can be so perfect in all its details as to command universal approval, and the one presented by the Hon'ble Mr Pim is no exception to the general rule. It is a trite saying that Governments, like individuals, have to cut their coat according to their cloth. But the individual is often more successful than the Government in producing a smart well fitting garment. Somehow or other the Government coat never fits exactly, and in the opinion of members who are not officials it always wants considerable taking in here and letting out there. This in the very nature of things is unavoidable, but taking the budget as a whole it cannot fail to impress the most casual observer with the liberal spirit which runs through it. I do not of course mean that adequate provision has been made for everything. The Hon'ble Mr. Pim himself does not claim to have achieved such an impossibility. But I thankfully accept what has been given as a promise of better things to come.

"The subject of the provincial settlement is of perennial interest in the Council, and some of the members who have preceded me in drawing attention to it followed the precedent of previous years. It is not a mere customary thing to say at budget

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debates that we should be allowed the same share of our own revenues as the other provinces enjoy. It is with us an article of faith binding on all members of this Council, past, present and future. Our claim rests on the solid rocks of justice and self-respect, and we shall continue to press it until it is allowed. The history of the question is too well-known to require repetition. Your distinguished predecessor fully shared our views and strongly supported our claim. It was a matter of some concern to us when you, Sir, from your place in the Imperial Council lent the weight of your authority to the opposite view, but our hopes were revived when your Honour spoke as follows in reply to the address of the U P Congress Committee —

‘You say that it (the provincial settlement) is not now adequate to the growing needs of these provinces. If I am satisfied of this, I shall not hesitate to represent it strongly to the Government of India. But before I am so satisfied, I must first examine our provincial expenditure thoroughly and the justification for it, and this is what will be done as soon as the busy winter season will be over. I am not going to ask for an additional rupee until I am convinced that we have no avoidable waste, for I am sure that you believe, as firmly as I do, that there can be no true efficiency without economy.’

“Your Honour has now examined the provincial expenditure and I take it that the budget before us excludes all ‘avoidable waste’, and yet we find in the words of the Hon’ble Mr Pim that ‘desirable increases of expenditure not included in the budget are many and various’. This being so, a complete case has been made out for a strong representation to the Government of India on the subject. I am not forgetful of the handsome liberality shown by that Government in making special grants to us, but such grants are made to other provinces also which enjoy the full share of their revenues, and cannot afford any reason to deny us the bare justice we ask for. The Government of India must be just before they are generous.

“I do not propose to detain the Council with an examination of the various heads of the budget and will only submit a few remarks on some of the more important matters of general interest. But there is one item on the expenditure side which requires special mention. This is a small but highly significant item of Rs. 15,000 allotted for benefactions by Government. The Hon’ble Rai Bihambhar Nath Bahadur takes the right view of it. So far as I am aware, this is the first time in the history of this province that an item of this nature has found a place in the budget. I congratulate your Honour on the happy idea and am sure it will appeal most strongly to the imagination of the people.

“Education and sanitation have received considerable attention at the hands of the Government which is doing its best to carry out the gracious desire of his Majesty the King-Emperor to spread a network of schools and colleges over the land. The general policy recently laid down by the Government of India will in a great measure meet the present requirements of the country. I hope the time is not distant when this policy will be further expanded and free and compulsory education granted in at least selected areas which appear to be suited for it.

“For the present, however, we must try to make the most of what we have got. The institution most deserving of support is the aided school. The promoters of these schools are seriously handicapped for want of competent teachers. One of the most pressing needs of this province is the establishment of at least one more training college in a suitable centre. The demand for trained teachers for Anglo-Vernacular schools is so great that the existing colleges at Allahabad and Lucknow are wholly inadequate to meet it. The majority of teachers turned out by these colleges are absorbed by the Government schools, and the aided schools are hard put to find competent teachers. There is not the same difficulty here as is said to exist in

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the case of normal schools for girls There is room for more than one additional college and there is no lack of students for such colleges Another point to which I would call attention in connection with aided schools is what appears to me to be an anomaly in the Educational Code of the United Provinces I refer to articles 379 and 380 Article 379 runs as follows —

‘The annual grant shall *ordinarily*, not exceed one-half of the whole tutitional expenditure on the institution’

‘And article 380 is as follows —

‘Grants made for the erection, purchase, enlargement, improvement or repair of schools or colleges or hostels attached to them shall not exceed the total amount contributed for the purpose from other sources’

“Article 379 was amended in consequence of the recommendations of a committee which met last year by the insertion of the word ‘ordinarily’ The effect of this amendment is to leave the Government a more or less free hand in the case of recurring grants, but article 380 has not been similarly amended, and the result is that in awarding non-recurring grants the Government is tied down to the hard and fast rule of half and half.

“I think greater latitude is necessary in the case of non-recurring grants also The Government insists on better equipments and the building of hostels. There are some very deserving institutions which cannot raise half the capital required and they ought to be helped by the Government.

“As for Government schools and colleges, the great reform needed is to improve the prospects of the provincial educational service In other provinces members of the service are much better off than here, though we have as good men as the other provinces can boast of. It is noticeable that in the matter of the personal allowances also which were recently announced our province compares very unfavourably with other provinces. The maximum we could find for our officers of tried ability was Rs 100 per mensem, while other provincial Governments have given away as much as Rs 150 or more What matters is not so much the difference in the amount as the difference in treatment it involves We ought to make our educational officers feel that good work is as much appreciated here as elsewhere. The feeling that the best of them are considered inferior to men of the same class in another province is not conducive to efficiency

“After the full discussion on the resolution I had the honour to move the other day in the Council on the subject of female education, I do not consider it necessary to dwell on that all important subject. But I may be permitted to point out that it will be desirable to issue special instructions to assistant inspectresses to work the rules in a more liberal spirit. There is reason to believe that too much stress is laid by them on curricula and the technical enforcement of rules All that need be seen in a girls’ school is that it is attracting pupils who receive some education and are better for it than they would otherwise be. The principal object for the present should be to popularize these schools and not to criticize them too strictly.

“Turning now to sanitation, the connection between it and education is obvious. At the budget discussion last year I took the opportunity to suggest adequate provision for sanitary dwellings for the poor. The Allahabad municipal board has done something in the way of constructing a few model houses in the city, but I am not aware of anything done in rural areas where the need for sanitation is the greatest. I would advocate a much larger allotment for the improvement of public health than has been made.

“Municipal reform, among others, is now engaging your Honour’s attention and it will not be out of place here to commend the memorial of the municipal board of Allahabad praying for a non-official chairman to your Honour’s favourable

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consideration. The appointment of paid chairmen of municipal boards is not only open to all the objections which apply to collectors appointed as chairmen but imposes an additional burden of the large recurring amount of his salary on the scanty resources of the municipalities concerned. The enlightened policy initiated by Lord Ripon and reaffirmed as recently as 1908 by Lord Morley has not been followed in these provinces to the extent to which it should have been. Municipal and district boards are the training grounds for Legislative Councils, and in the natural order of things municipal reform should have long preceded Council reform. But it is not too late to begin. In places where non-official chairmen have been appointed they have given a good account of themselves, and no more time should be lost in extending the reform to large towns like Allahabad, Lucknow, Cawnpore and Benares. The manner in which members are selected for district boards is thoroughly unsatisfactory and should be replaced by a regular system of election.

"I have listened with considerable interest to the remarks of the Hon'ble Mr. Ghulam-us-Saqlain on the question of the rate of interest. There is no limit to the greed of money-lenders, and India is not the only country where they prosper at the expense of the poor. In an advanced country like England it has been found necessary to keep on the Statute Book a Money-Lenders' Act restricting in various ways, the rapacity of this class. Something on similar lines should be done in this country also.

"The question of communal representation raised by the Hon'ble Mr. Raza Ali is one of those unfortunate questions which lies at the root of many evils from which this unfortunate land has been suffering for some years back. I wish the question had not been raised, and now that it has been raised I decline to discuss it, on the ground that in the first place, it would be impossible for me to do so within the time at my disposal, and in the second place it is not at all a congenial subject to me. But I would say this, that if our Muhammadan friends want it and will not be happy till they get it—let them have it—but give them no more and no less than they are strictly entitled to. They should have no place in joint electorates and their separate electorates must not return a larger number than is proportionate to their total population. I am sure that after a few years of their aloofness, the Muhammadans will see eye to eye with the Hindus on this question also as they have already begun to do on other equally important questions. The suggestion of Dr. Sapiu is a very attractive one, but I am afraid it will not have the desired effect. It is the extremists on both sides who are keeping the ball rolling, and they are not likely to meet on a common platform with a real desire to settle their differences. The only remedy is to give each community full justice and no favour.

"In conclusion, there is one point, which I would take this, the very earliest, opportunity of urging upon the most serious and earnest consideration of the Government. In common with the general public I have gathered that the considered opinion of this Government favoured selection by nomination as the most desirable mode of recruiting the public services. The Royal Commission will take some time to come to the end of their labours and in the meanwhile appointments must continue to be made. I therefore desire most fervently, on behalf of the highest interests of my countrymen of whatever race or creed, to urge on the Government the absolute necessity of taking well considered and effective steps, so as to minimize to the utmost the demoralizing effect that any system of recruitment by nomination is liable to produce upon the youth of a country. To make it necessary in order to have a chance of employment in the public service of his country for a young man, just entering upon life to go the round of the officials of his district humbly begging the favour of a nomination, or a recommendation for one—to force him to spend hour after hour waiting in the verandahs of the Collector, the

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superintendent of police, the civil surgeon or the joint magistrate in order to obtain the all potent *chit* from one officer to another—to oblige him (in practice if not in theory) to tip and curry favour with the underlings of officials down to the chaprasi and bearer, is surely not the right way to obtain upright, honest, self-respecting, independent servants for the state.

“No Indian or European who is really intimate with Indian life, can fail to see—unless he shuts his eyes—the demoralizing effect upon national character which is clearly traceable to the necessity for currying favour with Government officials. I would therefore entreat the Government, if they propose to continue the nomination system, to devise some method of at least minimizing this cancerous evil.

“If I am asked to make a practical suggestion I would say—though I am wholly opposed to nomination on principle—that a judicious modification of the system, which I am informed prevails in England for selection for the navy, might be introduced. I will not trouble the Council with details, but only add that the selection of young men for nomination should be in the hands of independent boards consisting of officials and non-officials—that any canvassing and favour-currying should entail disqualification—that the board should have before it confidential reports from the head-master of the school or principal of the college under whom the young man has studied, as also an account of his parentage, family connection, social status, &c. supplied by the parent or guardian. The candidate should appear before the board and should be asked a few searching questions *vis-à-vis*—in other words be put through his paces and then declared fit or otherwise.

“But whether this or some other method be adopted, the great thing which I urge most earnestly is that some efficient means should be devised to prevent young men being tempted to seek Government service in a manner destructive of their self-respect and demoralizing to their character.”

The Hon'ble SAIYID MUHAMMAD ABDUR RAUF said —

“The discussion of the annual budget affords to the members of this Council a unique opportunity of drawing the attention of Your Honour and of the Council to important matters affecting the public and the State and with Your Honour's permission I wish to avail myself of this opportunity. But before I proceed to make a few observations regarding certain matters which in my humble opinion deserve Your Honour's attention I wish to join the honourable members who have preceded me in congratulating the honourable the Financial Secretary most heartily on his placing a very excellent and well prepared budget before the Council. It furnishes us with a general view of the financial position as accepted by the Government of India and is at once lucid and satisfactory. The abrupt cessation of the rains in the months of September and October had produced a most alarming sense of apprehension throughout the United Provinces raising fears at one time of a widespread scarcity. The timely fall of rain, however, in the succeeding months, improved the situation and saved us a great deal from the much-deadened horrors of the impending calamity. The crude and unformed mind is accustomed to attribute all good and evil to the benevolent or just the reverse attitude of the ruling authorities, and it would not, therefore, be too much for me to say that the unusual and copious fall of rain, which was almost synchronous with the assumption of office by Your Honour would be regarded by the people of these Provinces as a happy augury for the future peace and prosperity under Your Honour's benign and sympathetic régime.

“I trust, Sir, I am not guilty of exaggeration, when I say that we regard it as our extremely good luck to have such a wise, far-seeing and sympathetic ruler as yourself at the helm of our present affairs. Your thorough knowledge of these provinces, your close and intimate familiarity with every detail of the local administration, and above all your wide sympathies with the growing

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aspirations of the people all go to mark you out as a great and rare personality with whom it would not only be our pride but also pleasure to co-operate in all measures affecting public interest and utility

"Having had the honour of being for long connected with some of the educational institutions in these Provinces, no topic seems to me to be more fitting for to-day's discussion than education. The question is and shall ever be one of paramount importance in India. The rapid advance of learning within the last few decades, the ever-increasing development of trade and industry and, above all the general wave of peace and prosperity that has come over India under the aegis of British rule all have combined to place it in the fore-front of the Indian affairs.

"I trust I shall be pardoned for my outspokenness if I were to say that very recently an idea has gained ground that the Government is not in favour of higher education. The policy of limiting the number of admissions in Government schools, the fixing of an age-limit for the matriculation examination and the unnecessarily strict and stringent rules and regulations of the Educational Department as to fees &c, have greatly contributed to strengthen such an impression, and if matters are allowed to drift in this way it may very likely deepen into a certainty. The present march of civilization and the consequent aspiration of the younger generation to rise in the scale of nations imperatively demand that education should be liberal and free from all unnecessary burdens

"Charles Grant, who may well be described as the father of English education in India, in his memorable treatise, written as far back as 1792, wrote as follows —

"He will not allow himself to believe that when so many noble and beneficial ends may be served by our possession of an Empire in the East, we shall content ourselves with the meanest and the least and for the sake of it frustrate all the rest. He trusts we shall do justice, liberal justice and be persuaded that the principle will carry us to a greater height of prosperity than the precaution of a selfish policy.'

"Again:—'In considering the affairs of the world, as under the control of the Supreme Disposer, and those distant territories, as by strange events, providentially put into our hands is it not reasonable, is it not necessary to conclude that they were given to us, not merely that we might draw an annual profit from them, but that we might diffuse among their inhabitants, long sunk in darkness, vice and misery, the light and the benign influence of Truth, the blessings of well-regulated society, the improvements and comforts of active industry.'

"The truth contained in the above-quoted words though written more than a century ago still holds good. Immortal and undying as they are, they are still worth being written in letters of gold and should form the corner-stone of all our educational policy present or future

"It would not be out of place to say here that I cannot help wondering at the timidity and abject terror of those, who see in education a political danger and regard it as a menace to the stability of the British Empire. Nothing could be further from truth. Let not the stability of the British Empire rest on the weakness, ignorance and forced loyalty of the people of India. On the contrary let it be broad-based on their intelligent and willing loyalty. Let it be its own guarantee and fulfil its divine mission of peace and prosperity from one end of India to the other.

"I am afraid I would be doing injustice to my community if I failed to speak a few words with special reference to its particular needs and requirements. It is a well-known fact that my community is in sore need of English education. It is a curious irony of fate that just at the moment when the Muhammadans began to fully realize the advantage of English education, the educational department chose to pass strict and stringent rules regarding admission to schools and other matters. They were thus nipped in the bud. It is gratifying to note, however, that in the budget under review Rs. 1,35,000 have been allotted towards scholarships this year,

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ie Rs 24,000 in excess of the last year's grant Apart from this the Imperial Government have just placed at our disposal a recurring grant of Rs 6,38,000 and a non-recurring grant of 42½ lakhs for education Out of the former Rs 95,000 have been allotted for secondary education, while out of the latter Rs 2,00,000 have been assigned for the University, Rs 8,25,000 for hostels, and Rs 4,50,000 for colleges and secondary schools We trust that the Muhammadans will receive their legitimate share out of this boon with due regard to their pecuniary condition and educational needs

"My much esteemed friend Sahibzada Aftab Ahmad Khan, who has been for a long time devoting himself to the cause of Muhammadan education drew the attention of the Council last year to the resolution of the Government of India dated the 15th July, 1885 I take this opportunity to endorse all his views on the point and trust that a considerate attention paid to the suggestion contained in his elaborate speech by the Government would go a long way towards ameliorating the condition of the Muhammadans and give fresh impetus to the cause of their education on which all their future progress and advancement depends.

"In this connection I may refer to the dearth of Muhammadan teachers and inspectors in the Educational department The matter is one deserving of serious and kind consideration at the hands of the education authorities A kind and sympathetic teacher can do a great deal for his pupil while indifference and apathy can mar the prospects even of a very shining boy

'The next question I shall take up is that of industrial education The rapid strides which the industrial institutions have made of late in these Provinces and the keen interest which the Government has shown in encouraging the formation and development of urban and village societies and banks cannot fail to excite the admiration of every well-wisher of the country Trade and industry are the principal feeders of a country particularly of India, which has been famous from the earliest dawn of antiquity for her manufacture and unbounded commercial resources The people are not wanting in inventive genius and aptitude for trade and manufacture, but they lack organization and co-operation On the other hand caste restrictions and distrust of one another are additional stumbling blocks in their way Sir John Hewett in his budget speech last year very rightly observed — 'There are two characteristics of the minds of the ignorant which are the causes of delay, obstruction and harm to all progress The first is the idea so generally prevalent as regards a man's own action that if a thing was not done in the time of one's forefathers there is no reason for doing it now The second is the extreme readiness to believe that all kind of sinister methods lurk behind the action of other people and specially those of Government' But thanks to the endeavours of the co-operative societies most of the above false notions have now been removed and people seem now to have for the first time learnt the value of co-operation and organizations The opening of industrial and arts schools in these provinces is calculated to give a strong impetus to indigenous manufacture and industry and the more their number increases the sooner the much-desired end will be achieved, affording to the artisans and manufacturers ample fields for the employment of their energy and activity There is a general complaint however, that the parents do not like to send their children to these schools This is indeed partly due to caste prejudice and professional jealousy The real cause, however, is poverty. The artisans and manufacturers regard their children as valuable assets as they constitute the main source of family support A child of six or seven begins to earn Rs 3 or 4 monthly and as he advances in years his money-earning capacity also increases proportionately, till he becomes an adult, when he usually makes not less than Rs. 10 a month

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"It would thus appear that if the parents part with their children and send them to some industrial school for training they would be losing the very means of family support. There is another difficulty. In the industrial schools modern appliances and machines are used, which it is beyond the means of average people to purchase. The parents, therefore, think that even if their children received full training at such schools they would be of no use to them and would have to depend for the machines on the generosity of richer people. The obstacles can only be removed by awarding liberal scholarships so that pupils may be attracted to such schools.

"The absence of primary education is also one of the greatest impediments to this movement. If night schools be opened in the quarters inhabited by the artisans and manufacturers, I think a great stimulus will be given to industrial training. The children are practically free from their work after sunset and they can thus very easily devote two or three hours after sunset to reading or writing without any great detriment to their daily wages.

"We ought to feel grateful that the Government has made an additional grant this year towards industrial education. The Imperial Government has also allotted Rs 34,000 out of the recurring grant for technical and special education; while out of the non-recurring grant Rs 1,00,000 has been allotted for manual instruction and Rs 3,00,000 for girls' schools, technical and special schools. I hope that with such sums at the disposal of the Government a new era will begin in the history of the industrial education of these provinces to the great prosperity of the people. Considering, however, the daily growing need for such institutions I must say that the above grants are not quite adequate.

"In the case of the weaving station, Benares, we find that the budget is much smaller than what it was last year. Benares is a great centre of industrial activity and the figure is therefore rather disappointing. I am fully alive to the fact that the authorities in charge of that institution have, in spite of their constant efforts, not been successful in inducing a sufficient number of pupils to come to this school. But this circumstance ought not to deter those who have at heart the welfare of the institution, and there is no reason why further efforts to popularize the school should not be made. I trust that the recent Imperial grant will be utilized by the Government in helping such schools.

"Certain remarks made by my friend the Hon'ble Sayyid Raza Ali with regard to the claim of the Muhammadans to a communal representation on the municipal and district boards have called forth a vehement rejoinder from my friend the Hon'ble Dr. Tej Bahadur and an equally strong denunciation from my honourable friend Pandit Moti Lal. We are, however, used to such angry denunciations at the hands of our friends whenever we make an attempt to secure our due share in the different institutions of the state—but we owe a duty to our community and nothing will deter us from putting forward our just claims. My friend Dr. Tej Bahadur is pleased to make some concessions to us, and although he is not willing to go the whole length with us, I am extremely obliged to him for the spirit of reconciliation which he has shown, but my friend Pandit Moti Lal does not accept even the compromise proposed by the Hon'ble Doctor. This is my excuse for speaking on the subject and with your Honour's permission, I would like to refer to it a little more fully.

"So, of all questions affecting public interest in India, none calls more for the immediate attention and action of the Government as well as of the Indians of light and leading than the one concerning the relation between the two sister communities in India, I mean the Hindus and Muhammadans. Sir John Hewett in his memorable budget speech last year appealed strongly to the leaders of both the communities and counselled them to compose their differences. Speaking on the

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question, he observed — 'The wider the gulf the more difficult it becomes to bridge over. The more severe the wound the deeper has the surgeon's knife to penetrate and longer does it take to heal' We are aware also of the views which your Honour holds on this point

"Indeed the relations between the two communities have become so strained in recent years and their feelings so bitter in some places that unless some prompt and speedy measures are adopted things may go from bad to worse. It will be generally admitted that a great tension of feelings between the two communities is often brought about by the results of the municipal and district board elections and I venture to say that the present system is largely responsible for such a state of things. These boards have aptly been described as the initial rungs in the ladder of self-government, and our right of separate representation in matters of state, if it is meant to be a success at all, should begin from there. No one can deny that the representation of Muhammadan interests in these bodies has so far been meagre and unsatisfactory. The Muhammadans having fully realized the gravity of the situation and the unsatisfactory state of things regarding these boards approached the Imperial Government with an address in 1906. Lord Minto in his memorable reply to the deputation that waited upon him at Simla recognized the importance of the municipal and district boards and assured the Muhammadans that their political rights and interest would be safeguarded. These were his words:—

'I agree with you, gentlemen, that the initial rungs in the ladder of self-government are to be found in the municipal and district boards, and that it is in that direction that we must look for the gradual political education of the people. In the meantime I can only say to you that the Muhammadan community may rest assured that their political rights and interests as a community will be safeguarded in any administrative reorganization with which I am concerned'

"The 'administrative reorganization' referred to in the above message of hope has taken place, and both the local and Imperial Councils have been reformed and expanded, and the Muhammadans have been given the right of separate representation in them, but the case of such important bodies as the municipal and district boards on which all our local and immediate needs depend is as unsatisfactory as ever. We had every hope that the principle of separate representation applied in the case of the Councils would be soon extended to the municipal and district boards as well, but the question remains unsettled as yet, with the result that Muhammadan interests suffer a great deal.

"I will not take up the valuable time of the Council by quoting instances. But I may be allowed to state by way of an illustration the case of the Benares and Allahabad municipalities. Only a few years ago the Muhammadan element was fairly large in Benares, and not altogether absent in the Allahabad municipality. But now the number of Muhammadan members has been very much reduced in the former, while in the latter there is not a single elected Muhammadan member to be found.

"I wish to assure this Council that it is not due to any idea of racial prejudice or any desire to secure special privileges that the Muhammadan community has been pressing its claim to a separate representation. They have been anxious to work in cordial co-operation and harmony with other communities inhabiting this country in order to promote the general good of the mother-land. It will, however, be admitted that in addition to the general and common interests which all the communities have, the Muhammadans and as well as Hindus have their own special interests which they have to protect. Having regard to the general desire of the Government and the public that the chances of friction between the two communities should be reduced as much as possible, I most earnestly beg to urge that the

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only possible method by which this object can be secured is the recognition of the right of the Muhammadans to elect their own representatives by means of their own separate electorates. We must remember that it is only when each community has received its full and legitimate share in the administration of the country that a time will come when genuine good will and active sympathy will be possible among the different communities.

"One would be guilty of unpardonable callousness if one failed to make any reference to that dire disease which is now ravaging our provinces. What can be more alarming than to find that within only a few years three districts of our province, viz Gorakhpur, Ballia and Azamgarh have lost more than a lakh of lives through plague. The Government have indeed done a good deal to combat the malady. Disinfection, rat killing and evacuation have each been tried by turn, but, with the exception of the last, all have been found to be either quite ineffective or impracticable. Last year the Hon'ble Babu Ganga Prasad Varma insisted that the Government should provide rat proof huts in the affected districts. I would, however, not request the Government to embark on such an enormously expensive scheme. In my opinion such huts would neither prove attractive to the people nor would they bring about any appreciable reduction in plague mortality. The only feasible course to my mind is the supplying of hutting materials to the poor and needy. Last year the Hon'ble Mr Stuart in his budget speech informed the Council that the Government did not regard the provision of free material for providing temporary dwellings as fair charge on public funds. I hope that Your Honour's Government will take a more charitable view of the question. Instances have come to light that owing to their inability to purchase hut materials some of the unfortunate villagers have been obliged to remain in their houses until death has intervened to put an end to their miseries.

"The problem of rooting out this scourge from the country altogether is a difficult one, but it is the duty of every well-organized Government to spare no time or money in devising means to protect the lives of its subjects. Can it be said that everything that can be done has been done? If you go to the districts which have suffered the most you will find that the inhabitants of those districts live in abnormally unhealthy quarters, the areas occupied by their houses are extremely congested and almost every village or qasba is surrounded by marshy and dirty tanks. Unless a bold, genuine and determined attempt is made by Government to improve the unhealthy dwellings in these congested areas it is vain to hope that this fell disease will ever be rooted out from this unfortunate country."

The Hon'ble Dr. SUNDAR LAL said —

"At this time of the day, I cannot dare to take up the time of the Council by touching upon the ground taken up by the many members of the Council who have preceded me and who have so ably dealt with the several points already raised in the course of the discussion. I propose therefore to dwell upon only a few points out of the many which might be brought to the notice of the Council to-day. I need hardly say that I heartily join in the chorus of applause which has greeted the budget prepared by the Hon'ble Mr. Pim. I need only mention one feature of the work of the Finance Committee, viz the attentive consideration which the official members of the Committee have given to the proposals made by the non-officials, and the ready acceptance which nearly all of them have received at their hands as well as the hands of Your Honour's Government. I may, before passing on to other matters, be permitted to express our thanks for the prompt introduction of the measures for the relief of the provincial judicial service in this province which were recommended by the Greeven Committee, as well as for the improvement cadre of the executive branch of that service.

THE BUDGET, 1913-14.

[Dr Sundar Lal]

"I am extremely thankful both to your Government and to the Government of India for the several grants which have been made to forward the cause of public education, and I hope and trust that the generous policy which has been inaugurated in recent years, will continue to be followed in future, and that it will not be long before, with the necessary material support, our provinces will be able to recover the ground they have lost and take their own proper place in the march of education. Referring to the grant of the sum of Rs. 8,25,000 for hostels, my esteemed friend the Hon'ble Munshi Narsingh Prasad was pleased to observe that the grant was larger than was required for that purpose, and that a substantial portion of it might well be permitted to be diverted to certain other no doubt very worthy objects mentioned by him. Without in the least under-rating the value and importance of the other objects mentioned, I regret I find myself unable to accept the view of my honourable friend as to the liberality of the provision made for the extension of the hostel system. If he will for a moment pause to consider how far this grant can go, I am sure he will not press the view that he has urged to-day. Dividing equally this sum of Rs. 8,25,000 between the 47 districts into which our provinces are divided, it gives us only a little over Rs. 17,500 for each district. This is only available for meeting the demands for hostels at the head quarters and the various schools of all classes on each district. The cost of constructing suitable hostels is by no means small. This is my unfortunate experience in connection with some of the hostels which have sprung up in their provinces in recent years. To illustrate my point, I may be permitted to mention that the estimated cost of constructing one wing for the University Law School hostel, which will accommodate one hundred students, is Rs. 1,45,000. The construction of two wings for the hostel is very urgently needed. The cost of that alone comes to about 3 lakhs. The two wings will accommodate only 200 students out of over 400 now reading in that school. I can assure my honourable friend that the sum of Rs. 8,25,000 now allotted can be easily spent to meet some only of the more urgent needs of our colleges for more hostel accommodation. My honourable friend has referred to the outbreak of plague in these provinces and the havoc it has caused in many of our districts. I remember very well, when the plague first broke out in these provinces over ten years ago, the anxious and sleepless nights that many parents had to pass, whose sons were living at one or other of our educational centres where plague had broken out, and could not find accommodation in any college hostel. Thanks to the establishment of several hostels during the last ten years, it has now become possible for parents to get some sleep, notwithstanding the outbreak of plague. They can in many cases feel the satisfaction that their boys are living in safer surroundings than they themselves are in during such anxious times. I venture to think that very large extension of the hostel system is extremely needed. The honourable member no doubt remembers the emphatic stress laid by many of our colleagues who have appeared before the Royal Public Services Commission, on the importance of residential colleges and universities, and to the part such institutions play in the formation of the character of those trained who have been trained and educated in them. More hostels under proper supervision and control are needed to introduce that very necessary reform and important improvement in our colleges. A much larger sum of money is needed for that purpose than the Government of India have been able to allot at present, and, greatly as I respect the views of my honourable friend, I cannot help feeling that his remarks cannot be supported by a closer view of the subject.

"About two years ago I had the privilege of calling the attention of the Finance Committee to the necessity of making better provision for the superintendence and control of hostels. There is little use in collecting the students in hostels without making efficient and effective provision for their control. I gathered from the remarks made last year by the honourable member in charge of education, I mean Mr.

THE BUDGET, 1913-14.

[Munshi Asghar Ali Khan]

Stuart, that the Government would probably be in a position to do something in this direction, and I am very much indebted to the Hon'ble Mr. Burkitt for drawing my attention to the grant of Rs 74,000 for this purpose in this year's budget. The grant will go a great way to meet this demand, inadequate as it is to meet the requirements of all our colleges and schools throughout the provinces.

"Another subject to which I would like to draw Your Honour's attention is the desirability of equipping more schools in our provinces for the school-leaving certificate examination. A certificate of having passed that examination is now a passport for admission to the public service, which the University matriculation certificate is not. There is therefore a great demand for schools so equipped, and I think, if possible, there should be one such school, Government or aided, in each district. The extension of this system will no doubt cause some diminution of the income of the University, which I think may well rely upon the Government to come to its help, if required.

"I am glad to learn that your Honour contemplates the appointment of a committee to consider and devise a scheme for the extension and improvement of primary education. The work of the committee will no doubt be as arduous as it is important, and I would venture to support the desirability of associating a sufficiently strong non-official element on the work of that committee, on which the interests of the department of education will no doubt be largely represented.

"I am glad, finally, to note the grant for hygienic measures and gymnasiums made this year. I think the grant recognizes an important need of our hostels, which require more playgrounds and better arrangements for the health, recreation and enjoyment of the students. The grant is a step in the right direction and it will be fully appreciated."

The Hon'ble MUNSHI ASGHAR ALI KHAN said:—

"It gives me great pleasure to join the rest of my colleagues in congratulating the Hon'ble Mr. Pim, the Financial Secretary, for his lucid and able budget. We are very thankful to the Government of India for its liberal grants allotted for education and sanitation.

"The people of Rohilkhand are very grateful to Your Honour's Government for sanctioning an expenditure of Rs 13,600 for providing additional accommodation for the Carpentry School at Bareilly. The school as at present constructed can take a very limited number of students and as the number of applications for admission was very large I had drawn the attention of Your Honour's illustrious predecessor to the necessity of constructing additional rooms. I am glad that Your Honour's Government has been pleased to grant my request. By the addition of more rooms we shall be able to take more boys, whereby the utility of the school will be largely increased and many middle class men besides the sons of Barhais will be able to find honourable and lucrative employment.

"Of late a good deal has been said about the increase of expenditure on the police, but I am sorry to observe that in spite of this increase one very important branch of the force still remains very much under-paid. I mean the village chaukidar. The successful working of the Police Department as far as it concerns the prevention and detection of crime in rural areas depends in a great measure upon the prompt action of the chaukidar in giving information to the officer in charge of the police station and in keeping an eye on all the *badmashes* and men of doubtful behaviour. He is the foundation of the police administration in this country, and we know the surer the foundation the better the superstructure but can it for a moment be expected that an individual who gets the munificent salary of Rs. 2-13-0 per mensem will be able to discharge his duties satisfactorily or can be expected to gain the respect of the village community.

THE BUDGET, 1913-14.

[Munsir Asghar Ali Khan.]

"The cost of living whether in the city or in a village has increased very much and the wages of ordinary day labourers have gone up everywhere those in the city earn on an average about 5 annas per diem, and village labourers do not condescend to take less than three annas a day Under the circumstances it is too much to expect good work from the extremely underpaid chaukidar. It may be said that he is not a whole-time man and that he can supplement his income by engaging in agriculture, but on a little scrutiny it will appear that, besides interfering with his duties, this places the chaukidar under another disability, viz he has to look to the smiles of the zamindar for giving him land for cultivation and consequently is not left a free agent, which is absolutely necessary for the proper discharge of his duties I submit that to make the chaukidar independent and self-supporting, he should be given Rs 6 per month, and adequate provision should be made in the budget to meet this just demand.

"Another subject to which I wish to invite the attention of your Honour's Government is the patwari of a village As far as I know this is the only branch of service under the Government in which its incumbent is not liable to a transfer No sooner a man is appointed patwari of a circle than he becomes a permanent institution of the place. If he happens to be a good man, well and good, but if he happens to be otherwise, which is not infrequently the case, the lot of the circle is not to be envied He knows that he is a fixture and secure in his position and with this knowledge exercises a baneful influence to the detriment of the circle It is a notorious fact that many patwaris try to benefit themselves by creating bad blood between the zamindars and the tenants on the one hand, and the lambardars and the co-sharers on the other, thus letting them in for a flood of litigation to the benefit of himself I submit that some provision should be made in the law for the transfer of patwaris after a certain number of years' stay in one circle.

"There is another provision in the law that the heir of the patwari of a circle is to be appointed to the post in case of a vacancy in preference to other candidates. This is objectionable, as the heir is in most cases bound to pursue the policy of his ancestor and if the ancestor happened to be on bad terms with the zamindars or the tenants they will continue to be harassed by the new incumbent To obviate this evil I propose that the provision of giving preference to the heir of the patwari be annulled and that all candidates be placed on the same footing, thus giving a chance to a more suitable candidate. The third objection is that the patwari as a rule cultivates land in the circle in which he is employed either in his own name or in the name of his relatives To attain this end it is quite possible he may conspire with the zamindar to oust the tenant from good land which he covets, giving the zamindar his *quid pro quo* in some other direction I submit that the patwari who happens to have holdings in his own name or in the name of his relatives should be transferred from the circle in which he has got holdings I know it will be said that the patwari is a low paid servant and will not be able to meet the extra expenditure which will be required owing to his transfer from place to place, for which I submit that, if necessary, his salary may be increased and sufficient provision be made in the budget for it

"Coming to sanitation, I find that the Government has been pleased to relieve municipalities of half the cost of maintenance of Health Officers, but nothing has been said about the pay of the Sanitary Inspectors which the municipalities will have to employ under the new scheme The employment of a large staff of Sanitary Inspectors and Sub-Inspectors will tell heavily on the resources of municipalities most of which have many other calls on their income. The abolition of octroi is, I am afraid, bound to bring reduced income to municipal boards. My submission is that the Government be pleased to give a grant to all municipalities sufficient to cover half the monthly expenses of the entertainment of the Sanitary Staff.

THE BUDGET, 1913-14

[Munshi Asghar Ali Khan]

"Turning to the needs of my own city, which I have the honour to represent, I should like to see some good come to it and I should like to plead for my own city and its requirements Bareilly, with its many advantages, has no Town Hall of its own. It has no house or home of any pretensions wherein any sort of meeting could be held.

"A Town Hall or Municipal Hall is the first index to every city, and as for— as a reader is with a book without an index so is Bareilly without its Municipal Hall

"I submit that in my last year's speech I had drawn the attention of the Government to the unsafe condition of the Town Hall, which has gone from bad to worse—a greater part of it has been unroofed, and fears are entertained that it will come down in the next rainy season. The Bareilly Municipal Board has been meeting all the demands of the city from its current income and up to this time had not had the good fortune of getting any grant from Government, while other cities and municipalities, big and small, have been getting the benefit of the munificence of Government. I earnestly submit that the Government will be pleased to order a substantial grant to be given to the Bareilly Municipal Board to enable it to construct a Town Hall. The Bareilly Municipality has borrowed a sum of 2 lakhs from the Government owing to its having launched into a scheme of city expansion, and its present finances do not give any hopes of its being able to do much for some time to come.

"Bareilly is a rising city. The city is being expanded, a new match factory is opening out. The Rohilkhand and Kumaun Railway have opened out a new colony for their officers at Shahamatganj and their large workshops from Lucknow are to be transferred to Shahamatganj with all their staff of labourers, in the near future, and through your Honour's help and guidance Bareilly is soon to have the comfort and luxury of the electric scheme.

"There is every indication to point to a new and adequate building being required and the voice of the people ask for it, but it cannot be done without Government aid.

"Turning to education, our sincere thanks are due to the Imperial Government for giving liberal grants to educational institutions whether aided or private, but unfortunately two private institutions in Bareilly—the Islamia school and the Edward Memorial school—have escaped the notice of Government. The Islamia school was founded in 1906 and at present contains 195 scholars. This school had no building of its own. The year before last, through the kind efforts of the Hon'ble Mr Tweedy, the then Commissioner of Rohilkhand, the Government was pleased to grant to the Islamia school the use of the Rampur Muhammadan boarding house, which had become useless for the college owing to its removal from that locality, on the condition that the school committee will have no right to make any alteration to the building. Unfortunately the building is absolutely unsuited for a school, and it is more a lock-up than anything else, and cannot serve the purpose of a school. It is therefore requested that the Government be pleased to allow the school committee to pull down the present building and construct one suited for a school according to the Government standard. This will require a sum of about Rs. 20,000 about which my submission is that the Government be pleased to make a grant of Rs. 10,000 for the school subject to the condition that this grant will be paid on the school committee collecting an equivalent sum from private subscription. The number of Muhammadan students in the school is daily increasing, and I am sure that on the school being supplied a suitable building of its own the number of students will rise to be double of what it at present is.

"The other school, the Edward Memorial school, was opened, as its name implies, in memory of our late Gracious Majesty King Edward VII to meet the

THE BUDGET, 1913-14

[*The Maharaja of Balampur*]

growing demand of education The building was started by private subscription. About two-thirds of the building has been constructed, but further progress has been stopped for lack of funds My submission is that if a sum of Rs. 10,000 is also given to this school, the entire building will be completed before the advent of the rains and the students will be comfortably located in the building under construction, and the immediate result will be that the number of the scholars will at once increase to its maximum limit, the present number being 194."

The Hon'ble the MAHARAJA OF BALAMPUR said —

"I beg permission to offer a few remarks on the revised financial statement for the current year which was formally presented to the members by the Hon'ble the Financial Secretary at the Council meeting held on the 13th March and was again presented in the final form at last Council meeting

"The provincial income for the current year including special grants made by the Imperial Government is estimated (in round figures) at Rs. 6,32,76,000 and the expenditure at Rs. 6,71,24,000, leaving a deficit on the year's budget of about 38½ lakhs, which is converted into a surplus by the addition of the opening balance of Rs. 1,69,63,000, leaving a closing balance of Rs. 1,31,15,000. As the compulsory minimum balance prescribed by the Government of India is 20 lakhs, the net surplus on the year's working is over 111 lakhs, which is quite satisfactory. But our provincial solvency depends mainly on the bounty of the Government of India, which has generously assigned special grants aggregating about 44 lakhs to assist provincial revenues during the present year.

"There is a faint trace of anxiety in the financial statement, due to the excess of expenditure over income in a budget which does not provide for any expenditure which may really be called abnormal, but which leaves out several desirable items of expenditure. Representations have very often been made in the local and Imperial Councils that, whereas Bengal is permitted to retain about 62½ per cent of its annual revenue, Bombay about 70 per cent, the Punjab about 58½ per cent, Burma about 61 per cent, the Central Provinces about 75½ per cent, the United Provinces is allowed to retain, I think, only about 52½ per cent, of its revenue. It was recently said in the Imperial Council that we had built up such substantial balances within the last few years, and had a margin between revenue and expenditure so adequate that we were not only well-to-do for the present but were well protected for the future. But the question is whether the low standards of expenditure, as compared with other provinces, to which we have been accustomed for many years past, and the permanent financial settlement made with us about 2 years ago, are adequate to the growing needs of the United Provinces, and the rapid progress in all directions which the other provinces are making. In the opinion of your distinguished predecessor there were many urgent reforms involving recurring expenditure which could not possibly be carried out under the terms of the present financial contract. It is for Your Honour to judge whether or not it would be desirable at some future time to make a representation to the Government of India on the subject. If our claim to more favourable treatment at the hands of the Government of India is based on reason and justice, I feel sure that Your Honour, with your unsurpassed financial genius, could make out such a strong case as would be irresistible

"During the past year there were substantial increases of revenue under stamps, excise, forests, irrigation and interest, which are attributed to agricultural prosperity. It is difficult to judge whether the progressive increase under stamps and excise is a healthy sign or the reverse. On the face of it it appears that litigation at least is increasing. But if the increase of income under the above two heads is a sign of general prosperity, the question is whether, *pari passu* with the enhanced spending power of the people, the standard of living is rising. If it is not rising, then the

THE BUDGET, 1913-14

[*The Maharaja of Bairampur*]

ascending income from the above two sources is not a healthy sign. It is not necessary to pursue the subject any further

"It is satisfactory to note that the additional grants sanctioned by the Imperial Government for the Allahabad University, for secondary English schools and for hostels were to have been utilized in full during the preceding year. In the current year's budget substantial sums have been allotted to primary and secondary education and to girls' education, but the sum allocated to technical and special education is rather meagre

"About this time last year half the deaths from plague in India were occurring in these provinces. At the present moment more than three-fourths of the deaths from plague throughout India take place in the United Provinces. In view of the above facts it is not very clear why the allotment for plague for the past year was not fully worked up to. A lakh of rupees, which was unluckily allowed to lapse, would have eased the sufferings of many a poor patient stricken with plague. I am very much afraid that for some time to come the plague will play havoc in these provinces, until it please God to grant us relief. It is not for me to suggest what measures are called for to protect the people from the scourge. Camps of thatched shanties in suitable places away from infected areas, under the protection of the police, and provided with medical attendance and the necessities of life, coupled with efficient ward and watch of the quarters evacuated by patients camping out, ought to go a long way in mitigating the horrors of plague and reconciling the people to their fate. A reasonable charge for the above service could be levied from those who can afford to pay. If it is incumbent to save human lives during famine, it is, I venture to think, equally incumbent to try to alleviate human suffering during the prevalence of plague. Inoculation for plague is not likely to make much head-way unless the people have facilities for evacuating their houses, with the assurance that their deserted dwellings be effectually protected against fire and theft, they themselves well cared for and provided with necessary comforts during their sojourn in camps. After decimating Bombay and the Punjab, it seems as if the plague has come to make a lodgement in these provinces for some years. The prospect is most appalling, and I venture to think that no reasonable expenditure ought to be judged to check its progress and to mitigate its ravages. I beg to express the humble hope that Your Honour, the Hon'ble Colonel Manifold and Your Honour's Government will be so kind as to devise some effectual means to repel the further onset of plague and to bring some hope and solace to the homes of the doomed. It is most gratifying that substantial sums have been allotted for the current year to education and sanitation, two of the crying needs of the province.

"We are all convinced that the financial administration of these provinces will leave nothing to be desired under Your Honour's régime and that we shall be blessed with uninterrupted peace, progress and contentment."

The Council was then adjourned till Tuesday, the 15th April, 1913, at 10-30 a.m.

LUCKNOW:

The 14th April, 1913. }

W. K. PORTER,
Secretary, Legislative Council,
United Provinces.

APPENDIX I.

STATEMENT OF GRANTS TO FIRST CLASS MUNICIPALITIES.

I.—Non-recurring grants in the ten years ending the year 1911-12.

| | | | | Rs. |
|-----------|-----|-----|-----|----------|
| Agra | ... | .. | ... | 1,16,700 |
| Allahabad | ... | ... | ... | 3,10,374 |
| Bareilly | | ... | .. | nil |
| Benares | .. | . | .. | 75,000 |
| Cawnpore | ... | ... | ... | 40,000 |
| Lucknow | . | .. | . | 2,65,000 |
| Meerut | | . | .. | 36,450 |

II —Recurring grants in the ten years ending the year 1911-12

Agra—Rupees 15,000 a year from the year 1906-7 Previous to that year the municipal board used to receive the receipts from tolls on bridges. When the tolls ceased to be levied, a special subvention was made in view of the unsatisfactory state of the municipal finances

Allahabad—Rupees 19,239 a year. This represents a subsidy given from the year 1902-3 in compensation for the loss sustained by the municipal fund on the transfer of certain nazul lands from the control of the board. Originally the amount was fixed at Rs 20,000, but in view of subsequent minor transfers of land in the year 1911-12 the subsidy has been reduced to Rs 19,239

Cawnpore—Rupees 2,400 a year has been given from the year 1900-1 to the municipal board in settlement of questions concerned with the control of nazul lands.

Lucknow—Rupees 25,000 has been paid to the municipal board since 1896-7 in fulfilment of a guarantee made in connection with the installation of the piped water-supply and in compensation for loss of income from intra-municipal nazul lands

Meerut—Has from 1910-11 received a recurring grant of Rs. 750 for the upkeep of the Chhapakhana lands.

APPENDIX II.

*Expenditure on "Other works, construction" in the first class municipalities
in the year 1911-12.*

| | | | | | | Rs. |
|-----------|-----|-----|-----|-----|-----|--------|
| Agra | ... | ... | ... | ... | ... | 1,162 |
| Allahabad | ... | ... | ... | ... | ... | 30,381 |
| Bareilly | ... | . | ... | ... | ... | 23,090 |
| Benares | ... | ... | ... | ... | ... | 66,962 |
| Cawnpore | ... | . | ... | . | ... | 23,115 |
| Lucknow | ... | . | ... | . | ... | 17,632 |
| Meerut | ... | ... | ... | ... | ... | 9,993 |

APPENDIX IV

(Circular referred to in answer no 42)

OFFICE OF DIRECTOR OF PUBLIC INSTRUCTION, UNITED PROVINCES

CIRCULAR NO. 4 OF 1911-12.

*Dated Allahabad, the 18th July 1911.***Discontinuance of Inter-School Tournaments**

The holding of Departmental Inter-School Tournaments under paragraph 73, (f) (g) and (h) of the Educational Code will be discontinued till further orders. But in view of the importance of physical training in schools, the promotion of games and athletics should continue to be fostered by such means as the encouragement of inter-school and inter-class matches and games with station teams and the holding of annual school sports. As many boys in the school as possible should be encouraged to play games and Head Masters should make a point of seeing that junior as well as senior boys have ample opportunities for taking part in them.

C. F. DE LA FOSSE, M A ,

Director of Public Instruction, United Provinces.

COPY forwarded to Divisional Inspectors of Schools, and Managers and Head Masters of recognised English Schools, United Provinces, for information.

C F. DE LA FOSSE, M A.,

Director of Public Instruction, United Provinces.

APPENDIX V.

Statement referred to in question No. 43.

| Number of Indian professors in these provinces who hold degrees of British or Continental Universities | | | | | Highest salary they are receiving at present |
|---|-----|-----|----|---|---|
| 2 | ... | ... | .. | . | Rs 400 per mensem. |

LEGISLATIVE DEPARTMENT.**ABSTRACT OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR THE UNITED PROVINCES OF AGRA AND OUDH, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO 1909.**

The Council met at Government House, Lucknow, at 10.30 a.m., on Tuesday the 15th April 1913.

PRESENT.

The Hon'ble SIR JAMES SCORGIE MESTON, K.C.S.I., *Lieutenant-Governor.*
presiding

The Hon'ble MR. D. C. BAILLIE, C.S.I., I.C.S., *Vice-President*

The Hon'ble RANA SIR SHEORAJ SINGH, K.C.I.E

The Hon'ble MUNSHI MAHADEO PRASAD, M.A., LL.B

The Hon'ble DR. SUNDAR LAL, RAI BAHADUR, B.A., LL.D., C.I.E

The Hon'ble SAIYID MUHAMMAD ABDUR RAUF.

The Hon'ble RAI SHANKAR SAHAI SAHIB.

The Hon'ble BABU BALAK RAM

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR

The Hon'ble RAJA KUSHALPAL SINGH, M.A., LL.B

The Hon'ble BABU BRIJNANDAN PRASAD, M.A., LL.B

The Hon'ble PANDIT MOTI LAL NEHRU.

The Hon'ble RAI GOKUL PRASAD BAHADUR, M.A., LL.B.

The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH, K.C.I.E.

The Hon'ble KHAWAJA GHULAM-US-SAQLAH, B.A., LL.B.

The Hon'ble SAIYID RAZA ALI, B.A., LL.B.

The Hon'ble SHAIKH SHAHID HUSAIN, B.A., LL.B.

The Hon'ble MUNSHI ASGHAR ALI KHAN, KHAN BAHADUR, B.A., LL.B

The Hon'ble MR. G. A. TWEEDY, I.C.S.

The Hon'ble MR. F. W. BROWNRIGG, I.C.S.

The Hon'ble MR. R. BURN, I.C.S.

The Hon'ble MR. A. W. PIM, I.C.S.

The Hon'ble MR. C. H. HUTTON

The Hon'ble MR. W. G. WOOD.

The Hon'ble COLONEL C. C. MANFOLD, M.B., I.M.S.

The Hon'ble LIEUT.-COLONEL C. MACTAGGART, C.I.E., I.M.S.

The Hon'ble MR. D. M. STRAIGHT

The Hon'ble MR. H. R. C. HAILEY, I.C.S.

The Hon'ble MR. E. H. ASHWORTH, I.C.S.

The Hon'ble CHAUDHRI MAHARAJ SINGH, RAI BAHADUR

The Hon'ble RAI BISHAMBHAR NATH BAHADUR.

The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN, K.C.S.I

The Hon'ble NAWAB MUMTAZ-UD-DAULA SIR MUHAMMAD FAIYAZ ALI KHAN,
K.C.I.E., K.C.V.O., C.S.I

The Hon'ble MR. F. MACKINNON

The Hon'ble DR. TEJ BAHADUR SAFRU, M.A., LL.D

The Hon'ble LALA SUKHBIR SINGH

The Hon'ble MUNSHI NARSINGH PRASAD, M.A., M.R.A.S.

The Hon'ble MR. W. H. COBB, I.C.S.

The Hon'ble MR. W. J. D. BURKITT, I.C.S.

The Hon'ble MR. H. W. PIKE, I.C.S.

The Hon'ble DR. A. VENIS, M.A., D. LITT., C.I.E

THE BUDGET, 1913-14.

The discussion of the Budget for 1913-14 was resumed.

THE BUDGET, 1913-14

[*Rai Shankar Sahai Sahib*]

The Hon'ble RAI SHANKAR SAHAI SAHIB said —

"I heartily join the other honourable members in offering my thanks to the Honourable the Financial Secretary for the Budget so ably prepared by him. The Budget shows how liberally the Government of India has contributed to our finances and saved us from the difficulties in which we would have been involved if we had to depend upon the provincial resources only, but the Honourable the Financial Secretary has rightly remarked that our position is not free from difficulty.

"You Honour, I think that unless our share of the Government Revenue is raised from $\frac{3}{4}$ th to $\frac{1}{2}$ it is necessary for us to find means and curtail our expenditure to make both ends meet. I think the Police Department is one of those departments in which a reduction can safely be made. The other provinces I believe spend a comparatively smaller sum than we do.

"The income from Excise shows an appreciable increase. In 1911-12 the total actual receipts from this head were Rs 1,11,31,787 while the Budget for the current year brings it up to Rs 1,27,00,000 showing an increase of Rs 15,68,000. This is deplorable, and one cannot but think that the vice of drink is getting a very strong hold on the people. This is the more to be regretted that the black spot on the good name of India as one of the most sober countries is growing larger and larger day by day. This matter deserves the serious consideration of the Government and measures should be adopted to eradicate the evil.

"I now come to some of the matters concerning the Bundelkhand division, which I have the honour to represent. The heartfelt gratitude of the people is due to both Local and Imperial Governments for the attention hitherto bestowed upon it by making liberal and additional grants both for major and minor irrigation works, and it is hoped that with the legislation now under contemplation for minor irrigation works being passed into law, greater facilities will be afforded for improvement in irrigation than those which exist at present in our part of the country, which is so susceptible to drought and famine.

"The sum of Rs. 1,70,000 has been allotted to help municipalities which are now engaged in substituting for octroi a system of direct taxation. Such municipalities in my division are sure to get their share of assistance, and I hope Government will impress upon those municipalities the necessity of refraining from imposing oppressive taxes and to lessen the burden where they have already imposed taxes which are heavy and burdensome.

"We have a special law in the form of the Bundelkhand Alienation of Land Act, the policy of which is to retain land in the hands of agricultural tribes and protect it from passing into the hands of non-agriculturists. The law requires a declaration to be made as to who are to be deemed agriculturists. Such a declaration has been made. In this respect some difficulties have arisen and will arise unless, instead of defining the tribes by name, some other kind of definition of agricultural tribe be adopted by Government for making such declaration. For instance, all Brahmans resident in the district other than Marwari Brahmans have been declared to belong to agricultural tribes. Now if a Brahman not belonging to Bundelkhand and not having the occupation of an agriculturist acquires a house in any district of Bundelkhand and makes it his permanent residence, he can acquire land and defeat the policy of the Act, while some other tribes whose principal occupation is agriculture, but because they belong to certain castes they are not agriculturists within the meaning of the Act and cannot derive the advantages which that special legislation is intended to confer. The Act has no doubt prejudicially affected the credit of an agriculturist and he is sometimes involved in great difficulties where he has to meet some very urgent expenses which with the limited income at his command he cannot meet.

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"In the town of Jhansi we maintain an aided high school teaching both for the matriculation and school leaving certificate examinations. The number in that school is about 500, there being no other institution of that class. Larger accommodation was required in the existing high school and we are thankful to Government for a grant of Rs 16,000 to meet that cost. The pay of the teachers of the school was in some instances low, and with a recurring grant of Rs 150 per mensem we have been able to increase it and expect that with better emoluments the teachers will now stick to their posts.

"There is the long felt want of a boarding house for that high school and we are in communication with the Education Department for a substantial grant for it and we earnestly hope that the Government will be pleased to help us in the matter.

"Jhansi being the divisional head quarters has grown in importance and its population has risen from about 55,000 to nearly 75,000 in the last decade. To meet the educational requirements of this rising town the establishment of another high school is necessary."

The Hon'ble SIR MUHAMMAD FAIYAZ ALI KHAN said —

"The revised financial statement presented to this Council last week discloses such a highly satisfactory state of things that my honourable friend Mr. Pim, who controls our finances with so much skill and care, may very well be congratulated on it, and I ask leave to congratulate Your Honour also on starting, in this the first year of your administration, with what may fairly be described as a prosperity budget.

"I do not propose to enter into any detailed discussion of the budget. With Your Honour's permission I will, however, make a few observations on one or two points which seem to me to be deserving of notice.

"There is always room for honest difference of opinion as to the objects on which money could be most usefully spent. In the present budget, however, an examination of the new items of expenditure shows clearly that great discretion has been exercised in selecting these objects.

"We are grateful to the Government of India for their special grants for education and sanitation, the two most pressing needs of these provinces. I note with satisfaction that the list of important works for which provision has been made in the budget includes the construction of new buildings for four high schools, 1 *e.* those at Mainpuri, Etah, Pilibhit and Shahjahanpur, and additions to 3 others, namely those at Bulandshahr, Aligarh and Gonda. I observed last year at the discussion of the budget that the two most pressing educational needs of these provinces were the construction of more buildings for high schools and the employment of a larger number of teachers for those schools, and it is satisfactory to note that no efforts are being spared to improve matters in these directions. For this progressive policy in the matter of education, these provinces are under obligation to Your Honour, and they look forward to still greater progress during the coming years of Your Honour's administration.

"While on the subject of education, I ask leave to bring to Your Honour's notice a most deserving institution, namely the Islamia School at Saharanpur. This school is entirely the outcome of private enterprise, and it was started several years ago. It has, I understand, been recognized by the Educational Department, but has so far been unable to get any financial help from either the Educational Department of the provinces or from the local bodies. I have no personal knowledge of the affairs of this school. But I was told that the authorities of the Educational Department insisted on certain improvements being carried out before recommending it for a grant-in-aid. Now, so far as I am aware, the main sources of the income are (1) monthly subscriptions paid by certain Muhammadan gentlemen of Saharanpur, and (2) the fees paid by the students. This income, I understand, is not large

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enough to enable the Committee to carry out the necessary improvements. I have no intention of asking the Honourable Director of Public Instruction to go out of any of the rules of his department in order to help this particular school, but I would request him to kindly inquire into the affairs of this school, and if it be true that financial difficulties hamper its progress, then I would request him to make a pecuniary grant to it subject to the necessary improvements being carried out within a given time. I make this request as it seems to me that while it is difficult to make the Government High School at Saharanpur large enough to accommodate all who seek admission into it, it should, I venture to think, be easy enough to encourage this Islamia School by making a small grant to it and thus enable it to give decent education to, say, between 200 and 300 boys.

"The second matter I wish to refer to is the scheme for reorganization of the judicial staff of these provinces. It is a matter of congratulation that, in spite of other pressing demands on the resources of your Government, Your Honour has been able to give effect to the major portion of what is known as the Greeven Scheme. This scheme seems to me to have made ample provision for additional courts, and should, when the whole of it comes into force, satisfy all legitimate demands for speedy and substantial justice being done to the cases coming up before the courts of law. The scheme offers better prospects to those graduates who choose the judicial branch of the Provincial Service for a career, and indeed it provides the members of the Provincial Judicial Service with openings to higher emoluments and position. The redistribution of areas, too, seems on the whole to have given satisfaction. But while thanking the Government for what has been done in this matter, I may be permitted to bring to Your Honour's notice the case of my own district, Bulandshahr. It was expected that this district would be constituted into a separate judgeship to be located at the head quarters, and its claims to that institution had been made out to the satisfaction of the committees over which the late Mr Greeven presided. What Bulandshahr appears to have been actually given, at any rate for the present, is, not a judgeship of its own, but an additional judge, who would sit at Aligarh except for hearing sessions cases. This arrangement is for all practical purposes exactly the same as that which obtained before the Greeven scheme came into force, and, if I mistake not, it has not given that satisfaction to the residents of the Bulandshahr district which the other parts of the scheme have given elsewhere. As the Judicial Secretary, the Hon'ble Mr. Burkitt, is probably aware, the litigant public from the Sikandrabad tahsil have to go for their cases triable by a munsif, to Ghazabad, for their civil appeals and cases triable by a subordinate judge, to Meerut, for their rent and revenue cases to Bulandshahr, and for their criminal appeals to Aligarh. This arrangement has long been recognized as unsatisfactory, and it was hoped that with the location of a district judgeship at Bulandshahr itself and the inclusion of the Sikandrabad tahsil in his civil jurisdiction, this inconvenience would be removed. I understand that a memorial on this subject from the residents of the Bulandshahr district is now before the Government and I trust it will receive sympathetic consideration from Your Honour's Government.

"I may be here permitted to refer to the feelings of sincere satisfaction and genuine pleasure with which Your Honour's appointment as our Lieutenant-Governor has been received throughout the provinces. This feeling is of course only natural, for we, in these provinces, have long known Your Honour to be a sympathetic administrator and a true and sincere friend. The friendly and sympathetic advice which Your Honour gave the other day to the authorities and students of the Aligarh College has, I assure Your Honour, been taken to heart and your efforts to re-establish closer relations between the Government and Trustees here, I have no doubt, been widely appreciated.

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[Shankh Shahid Husain]

"There is just one more matter I wish to refer to before I conclude, and that is the noble efforts Your Honour is making to re-establish cordial relations between the Hindus and the Muhammadans. Any tension of feeling between the two great communities is sure to retard the progress of both in all directions. Your Honour enjoys the confidence of both the communities to an exceptional degree, and I appeal to Your Honour not to relax your efforts in this direction. Progress in education, progress in sanitation and progress even in material prosperity will, I am afraid, be of little avail if the misunderstanding between the Hindus and the Muhammadans continues to grow instead of to diminish, and Your Honour will be entitled to the everlasting gratitude of the whole country for any steps you may take in bringing about a better understanding between the two sister communities."

The Hon'ble SHAIKH SHAHID HUSAIN said, —

"Those who have waded through the complex figures of the modern Budget cannot but appreciate the labour, the patience of the Financial Secretary. The Hon'ble Mr. Pim highly deserves our congratulations for a very judicious distribution of income and for his very lucid explanation of the financial position of this province."

"No doubt he has been largely getting back some of his own in the shape of large grants for education and sanitation from the Government of India, and, according to his own words, the provincial income has shown a most welcome and unexpected degree of elasticity, still, one cannot but feel that our financial position is not very satisfactory."

"When we find that our finances based on the assumption of normal prosperity have to be controlled with great care and caution, also the admission that many desirable increases could not be included in the budget, and further that for our growing need of education and sanitation we have to depend on the uncertain bursts of generosity of the Supreme Government, which cannot be permanently relied on and which must remain fitful, we cannot but feel that the financial relation between the Supreme and Local Governments require re-adjusting. Year after year the official and non-official members of the council have craved for a just settlement, but with no satisfactory results."

"We look to you, Sir, with your experience of the finance department of the Supreme Government to lend us your powerful support and press our claims for a larger share of the revenues so that the standing provincial grievance may be redressed."

"As matters stand, however, I fully and gratefully express my gratification at the benefaction of the Imperial Government which will enable us to push very necessary schemes regarding education and sanitation."

"Your Honour has assumed the reins of office in a year which on the whole has been one of agricultural prosperity, and we sincerely pray that this good omen may bear fruit and your tenure of office be marked by general prosperity and happiness and execution of necessary reforms."

"The main head of receipt in this province must depend on agriculture. The land revenue estimate shows an increase of Rs. 2,22,000 as compared with the revised estimate of 1912-13. The land revenue year by year has been increasing, thanks no doubt to the 30 years settlement system. The Government is fully aware that the cultivation of culturable areas has reached its maximum. Keeping in view that famines have almost become periodical, and that there has been a regular diminution in the average rainfall, is it too much to ask that some measure of relief be extended towards land also? Has the time not come to give a system of settlement some measure of fixity of tenure which will make it possible for the landholding class to invest more money in the improvement of their lands without fear of loss and uncertainty as to the returns? The 30 years' settlement has proved itself a

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measure of harassment and expense I trust that Your Honour's Government will extend consideration to this important subject

"The second large item which shows a substantial increase of Rs. 2,50,000 is the stamp revenue. I am not one to grumble at an increase under this head as it is undoubtedly a direct result of agricultural prosperity

"The same can be said for the increase of 1,50,000 under excise. The Finance Secretary hopes that the excise revenue will continue to expand as the general outlook is good. As a source of substantial income, it is satisfactory, no doubt, but any increase under this head means an increase in the intemperance of the agricultural classes which I extremely regret to note. Personally, I would like to see the country free from this evil—pernicious as it is and wholly unsuited to the climatic conditions of a hot country like ours. I look forward to a day when public opinion will gather in volume and unanimously pass an edict of suppression.

"A very promising source of revenue lies in our forests. Leaving aside the increase due to abnormal sales of trees killed by the drought of 1908, in the last year's actuals, the cautious figure arrived at after taking into consideration the possibility of a glutted market and other reasons, still shows an increase of Rs. 3,80,000 above the original budget for the year 1912-13. Your Honour, the possibilities of an increase under this head are enormous. Properly organized and honestly worked, our forests ought to bring in handsome returns. I think a policy of preservation and afforestation should distinctly be kept in view. In this connection I trust it will not be out of place to mention here that in the industrial development of our province the forests are also likely to play a very important part. Your Honour's Government is aware that organized efforts are being made to develop the wood pulp and baib grass and a company under the guidance of our worthy captain of industry Babu Piag Narain Bhargava has been floated which has every chance of a successful career. The company is named The Baib and Wood Pulp Manufacturing Company, and its directors include several members of Your Honour's Council, pre-eminent among them being my honourable colleague the Maharajah of Baitampur. The company at present is meeting with some difficulty with the question of railway transport, but I hope that the railway management will soon find their way to meet the company in a reasonable and business-like spirit.

"We can also develop the growing of bamboos, which in some parts of India promise to be useful in the paper making industry. Considering the amount of paper imported into the country from outside, I think the business is one which deserves to be patronized and encouraged by Your Honour's Government.

"On the whole the total figures of 1913-14 under revenue and receipt show an increase of Rs. 3,47,000 which is in itself satisfactory, but it will not be too much to assume that it will in the actuals show a substantial increase on the right side.

"On the expenditure side the largest item is Rs. 1,24,10,000 on the Police. Comparing it with the expenditure on education, 76,75,000, and medical, 41,23,000 one rather feels nervous at the idea that so much should be needed for the protection of life and property in this province. No wonder that several members have taken exception to the grant that grows and grows and feeds on the best of the land. Particularly when we compare our police budget side by side with the education and sanitation budgets of other provinces like Bengal, Madras and Bombay the difference becomes particularly glaring. For this reason I have carefully perused items under the different heads. In the Criminal Investigation Department, there are 2 Assistants to the Inspector-General of Police at Rs. 700 each, and the total with special and exchange compensation allowance comes to Rs. 24,050. While the 18 Inspectors and 37 Sub-Inspectors with 9 Head Constables and 56 Constables and other establishments costs Rs. 1,23,798, the grand total under this head is laid down as Rs. 2,21,200.

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[*Sharkh Shahrd Husarn.*]

At the Council meeting held on 13th March I pointed out that more money will be wanted under this head. My reasons for making the suggestion were that the rough and ready method which I need not detail here under which the investigation of crimes was conducted in the past has been almost suppressed by the orders of the Government and the strictures passed by the courts of law.

"The notorious defect of our people in not giving any assistance to the police either before or after the crime and a wrong notion of sympathy with the criminal and further a reasonable apprehension that they may be dragged into giving evidence and not only making enemies but also wasting their time in courts makes the detection of crime and criminals an almost a superhuman effort. I had in mind also the advance the criminal had made towards modern methods in his craft. I suggested that in future more scientific lines will have to be adopted for detective work, and it follows that not only the staff will have to be increased but also the detective machinery will have to be brought up to date. This will require a more specialized officer who undoubtedly will require better pay and prospects than is given at present.

"A couple of days after I had spoken in the Council a leader appeared in the "Pioneer," dated March 15, 1913, in which this very suggestion has been developed at length and I earnestly draw the attention of the Government to the said issue.

"I suggest that from among the junior sub-inspectors and inspectors a couple of promising young men should be selected and sent to Europe to specialize in this subject. If the experiment proves a success, more young men of good birth and qualifications should be so selected, and I am sure the result will be worth the money spent.

"Your Honour, while the prospects of the superintendents of police and the assistant superintendents are bright, I regret that the same cannot be said for the sub-inspectors of police. Rs. 50 or Rs. 60 a month for the class of people now recruited with indifferent prospects of promotion can hardly conduce to the efficacy of the service. It is they principally on whom the brunt of the work falls and such a small salary at a time when the necessities of daily life show an abnormal increase can but sorely try their power of avoidance of temptation.

"As matters stand, I am unable to suggest any reduction in any item, but when gangs of law breakers have been dealt with I think a lesser manned but efficient and contented police will be preferable to mere members."

"The generous grant of Rs. 42,25,000 by the Supreme Government for education is most timely. To the detail of the allotments little exception can be taken, but in spite of a substantial expenditure the mere fringe of the educational sphere will be touched. The masses are so steeped in ignorance and superstition that a regular crusade is necessary to stamp out the evil.

"Only a short time ago we discussed in this Council the subject of primary education and Your Honour's sympathetic utterance on that subject disarms any further critical spirit. A vigorous and well sustained policy by Your Honour's Government will meet the wishes of the general public and will be the greatest boon conferred on the rising generation. I may be permitted, however, to mention one or two points for consideration which occur to me. There is a general impression that too much is spent on hostels at the expense of teaching itself and that enough is not done to foster private institutions. There is a Persian proverb علم شی به از چهل شی (some knowledge is better than no knowledge at all). If well ventilated rooms are not available—if efficiently trained teachers have still to come, I think the Government's fostering care should be extended with a generous spirit even to village scholars squatting under a *pipal* tree or to a *maktab* with an old-fashioned

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Maulvi in a country mosque At this stage I may again repeat that the paucity of Musalman teachers and inspectors in the service is one that is felt by the Musalman community. It has been said that no candidates are forthcoming. In reply I will urge that my experience is just the opposite and I find that the excuse has been urged rather too often of late in other similar cases. The Musalmans have started rather late in the race for education and it must be admitted on all sides that they are making strenuous efforts to draw up to the level of their more fortunate brethren, but it is the duty of the Government to see that they are not handicapped in their noble effort.

"The question of female education has also been lately before the Council and has been dealt with in all its aspects in the debate that followed on the very able and exhaustive speech of my learned friend the Hon'ble Pandit Moti Lal Nehru.

"Again Your Honour's sympathetic announcement has stirred in us hopes of an active policy towards the furtherance of this cause.

"Personally, I have great respect for the head of our Education Department, whose activities have always been received with appreciation by the general public, but in spite of his speech at the March meeting of the Council on the subject, I am still unconvinced of the fact that the department is doing as much as it should on the subject. I may be termed an 'impatient idealist' but to my mind the backwardness of female education as compared with the education of boys is a grave social danger. It is bound to lead to a discontented home with its resultant evils affecting the national life.

"If schools can be opened and successfully worked by private agencies both by Muhammadan and by Hindus, I see no reason why the Government should not take similar action on a more liberal scale. There is no justification for over-cautiousness. The demand is universal what is wanted is that the schools should be under a management which will ensure local confidence and an assurance that all prejudices and customs will be respected and that the moral and religious education will be strictly adhered to. A perusal of the annual report of 1910 will prove what one inspectress says that there are dozens of places with large populations where schools could be started, and if arrangement could be made for lady teachers and visiting governesses I think practical experience will itself contradict the belief that the country is apathetic or indifferent.

"Educational institutions in Oudh have made great progress but their insufficiency is evidenced by the fact that many aspirants for education have to be refused admission for lack of room in classes. We hope that Your Honour's Government will try to remedy this defect as speedily as the funds permit.

"The absence of a law class is keenly felt in our province and the matter I hope soon will be brought to the notice of the Government for reconsideration. With the narrow minded and misconceived local patriotism of the Allahabad citizens our patience is being sorely tried. If the Oudh public have not adopted the racial methods of agitation, which I sincerely hope they never will, it should not be inferred that they are going to allow the interests of their province to be subordinated for long.

"The paucity of Oudh representation in the University is a standing grievance, and if we are silent about the matter it is simply due to the fact that we are looking forward to a day, which I am convinced is not far distant, when we will be in a position to ask for a separate university for Oudh, and I am sure with successful results.

"The speech of our popular and respected Inspector-General of Civil Hospitals is always genial and optimistic, anyhow it makes us feel in a secure frame of mind when plague is claiming its toll all round us.

"In spite of our efforts to stamp out the disease, the highest death rate is reported from our province. The only remedy so far which has proved effective is

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evacuation of houses the moment the fatality among the rats gives us timely warning

"The institution of travelling dispensaries is a great blessing, a further increase under proper superintendence will be an additional boon to the millions of loyal citizens. The question of rural sanitation is a complex matter. The Government no doubt is giving due consideration to the subject, but the lack of education and poverty makes the successful execution of any scheme an almost impossible and a hopeless task.

"In the Government of India's assignment I trust that some money will be spent on rural sanitation.

"In Lucknow the drainage scheme is still not on modern lines and a grant to that effect will be most welcome.

"Dealing with sanitation, I may be permitted to refer to the terrible infant mortality in this province. The chief cause is the lack of education and the absence of even a rudimentary knowledge of the principles of hygiene. The secondary reason may be given as the inefficiency of *das*. The *dar* question is one which should be regulated by law. No one should be allowed to act as a *dar* unless she can satisfy the district medical authorities that she is competent in her calling and knows how to keep her instruments clean—a beginning may be made in cities and mor facilities given for instruction in midwifery to educated Indian Christian females.

"Turning to the department of Land, Records and Agriculture, one cannot but feel extremely surprised at the second rate position the department occupies in an almost purely agricultural province like ours. In the financial statement the department is not even lucky to be classed in a separate head and hardly gets that attention which its importance demands. The head of the department, whose speech was lucid and interesting, expressed his disappointment, disappointment which is shared by all of us, that his requests for larger grants were not accepted. Your Honour, the time is ripe, I submit, when this department should increase its usefulness by wider activities. The improvement of cattle is a crying need. The department is showing genuine interest and has started farms, but if any substantial results are to be obtained more farms will have to be started and a better class of bulls provided. I can assure Mr. Hailey that he will have no difficulty in disposing of his stock, and he may rely on the co-operation of landowners. The tenantry in time will fully appreciate the services of the better class of bulls.

"In this connection I may refer to the milk question which was raised in the Council by my friend the Hon'ble Babu Ganga Prasad Varma. I repeat what I then said that this question though a separate one is still so connected with the larger question of the improvement and preservation of cattle that it can hardly be dissociated from it. If there is a shortage of good class milking cattle and if they are underbred how can an abundance of milk and ghee be obtained?

"The question is one which deserves to be handled by the mutual co-operation of both the Hindu and Muhammadan public as it affects both of them, but instead of being approached from its economical aspect it unfortunately degenerates into a religious squabble to the detriment of peace, good-will and the very object in which both are equally interested.

"The latest outburst at Ajudhia which has sullied the good name of Oudh is an illustration how a noble cause can be marred by religious bigotry and fanaticism. The case is still *sub judice* and for this reason I will not deal with the subject any further.

"The poppy cultivation has almost ceased and the only important commercial crop which now remains is sugarcane. We have to meet in this quarter foreign

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competition of a most unfair kind, and if we have at present no method of protecting our industry, we have to face, as Mr. Hailey puts it, not only the cultural improvement of sugarcane but also the mechanical problem of the extraction and its utilization in the most profitable manner. The indigenous method has failed. It is for the Agricultural Department to solve the problem by recommending modern machinery which a village could afford and which could easily be worked.

“In this connection it gives me great pleasure that the taluqdars of Oudh are keenly alive to the varied requirements of their province. Last year I spoke at length about the Saidra canal project. I am glad that Your Honour’s government has now received a memorial from the British Indian Association through their distinguished president the Maharaja of Balrampur unanimously praying that the Saidra scheme be taken up in Oudh and the waters not diverted to alien soil.

“They have frankly admitted with a practical commonsense and open mindedness that experience has proved that their former objections were wrong and with the altered outlook the introduction of canals has become an imperative necessity. If the said projects were repeatedly given up to meet their wishes, I trust that both the Local and Imperial Governments will recognise the importance and weight of the said memorial and meet the taluqdars in the same spirit.

“We look forward to Your Honour’s strong support of our cause, and when it is decided to take up the scheme again I trust my suggestion that a Joint Committee of officials and taluqdars be appointed to draw up the details will be acceptable to the Local Government. With a good water supply the danger of famine will cease to trouble us and no foreign competition about sugarcane or other crops will frighten us.

“I feel I should say a few words about the Court of Wards in this province. The landed proprietors will ever be grateful for the enactment passed last year by Sir John Hewett’s Government whose genuine sympathy will ever be cherished by us. There is an apprehension that the policy of saving the estates of improvident landowners will not be vigorously carried out. I am sure the apprehension is groundless and without any foundation. If the Court of Wards can only save a moiety of the estate, how so ever small it be, it gives a chance to some successor of the impoverished landowner to rebuild the fortunes of his fallen house.

“It is with great regret that I have withdrawn the resolution which I intended to move about the amalgamation of the High Court and the Judicial Commissioner’s Court and their joint location at Lucknow. There can be no two opinions as to the desirability of such a union and also as to which place is the most central and suitable. But the Allahabad house-holders apprehend that, if the High Court is removed, their city of eternal heat and dust, known outside as Girdabad (گڑباد) will be ruined and are proposed to adopt methods of agitation which can easily in these days of racial embitterment create mischief. I have withdrawn the resolution as some effort was being made in the Council, I say most unjustly and unfairly, to make it a Hindu-Muhammadan question.

“I am glad my utterance in last year’s budget debate about the recruitment of Mussalmans in the army has borne some fruit and the anxiety of the retired pensioners about the future of their sons has been allayed.

“The Mussalmans of Oudh, along with their brethren in other parts of the world, have been passing a period of great anguish and pain at the sufferings and trials of their brethren in other lands, but I can assure Your Honour that their loyalty to the British Raj is as firm as ever and the Government may safely rely on their loyal co-operation and support.”

The Hon’ble BABU BRIJNANDAN PRASAD said —

“The main heads of the budget have been ably and thoroughly discussed by a number of honourable members, and I had no intention of addressing the Council.

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[*Babu Brynandan Prasad*]

on this occasion, but the subject of separate representation on the local boards which was rather inopportunistically introduced yesterday by the Hon'ble Saiyid Raza Ali and the Hon'ble Saiyid Abdur Rauf makes me address a few words on it. The subject is rather thorny and intricate and is fraught with far-reaching consequences on general administration and the mutual relations of the communities. After the recent pronouncement by the Government that the question was now under the consideration of the Government of India there was hardly any justification for the discussion of the subject here, and especially at the time of the general discussion of the budget. Now, Sir, separate representation is asked for by the Muhammadans on the ground that their interests are not properly represented and looked after and separate representation is necessary to remove the tension which has been created between the different communities. The local boards have existed for a good number of years, but this cry for communal representation is a recent growth of Indian political life. The Hon'ble Saiyid Abdur Rauf has referred to Benares and Allahabad to show that Muhammadans are not adequately represented. I do not think, Sir, it is proper or legitimate to run to general conclusions from isolated instances. I can in reply refer to Saharanpur, Shahjahanpur, Nanpara and Jaunpur municipalities where they are over-represented. From the municipal administration report for the year ending 31st March 1912 we find that at Jaunpur, where Hindus exceed Muhammadans in population, there are only four Hindu members as against eight Muhammadan members, and in Nanpara there is only one Hindu as against eight Muhammadans. Taking the provinces as a whole there are 563 Hindu elected members as against 266 Muhammadans and 103 Hindu nominated members as against 94 Muhammadans. Having these figures before us it cannot be said with any fairness that on the whole Muhammadans are not adequately represented on the municipal boards. On the district boards also the position of the Muhammadans is not worse. More than once Your Honour's attention has been drawn by some Muhammadan members of the Council to the non-representation of the Muhammadans on the Shahjahanpur district board, but, as I have just said, it is not fair to draw general inferences from single instances. On the Lucknow district board there are only four Hindus as against nine Muhammadans and similarly on many other district boards Muhammadans are over-represented. Even where one community is under-represented the Government can make up the deficiency by nominations. I do not think, Sir, that a fair case has been made out for adopting such a drastic measure as separate communal representation. Even where the Muhammadans are not properly represented it will be difficult to point out instances where their health, comfort and convenience have not been as well looked after as those of the other communities. The other ground put forward in support of communal representation is that its adoption will remove the tension now existing between the communities. The tension is a fact, but whether this is due to municipal and district board elections or it has its root elsewhere, deeper and wider, is the point to be duly considered. Elections are not an end in themselves, and so to find out the real cause of the tension we should go a little deeper. Without finding out the real cause it will be impossible to provide a suitable remedy. I think, Sir, the real cause is that lately an idea has gained ground in the minds of the members of the Muslim League and the leaders of the Pan-Islamic movement that the interests of the Indian Muhammadan public are something different and distinct from the interests of the non-Muslim public and require to be safeguarded and looked after by Muhammadans only. The idea is utterly wrong. The interests of the public form an indivisible whole and can be best served when they are so regarded. The idea that the interests of one community are different from those of the rest is falsified by facts and is obnoxious to public welfare. Such an idea if fostered and cherished and allowed to

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gain a permanent footing will be highly injurious to the interests of the Indians as a whole [and likely to prove a serious obstacle to the progress of India, which can only be achieved, I am convinced, by the willing co-operation of all the different communities in the work of national progress]. As it is with the physical body, so it is with our national body. If the different organs care for their own improvement only the whole body will soon become emaciated and will perish in no length of time. Carried to its logical conclusions the cry for separate representation will require that there should be separate judicial, executive, revenue, educational and police officers for the Muhammadans. Muhammadan students will have to be taught by Muhammadan teachers only. Hindus and other non-Muslim communities will then be justified in demanding similar separate provision for their men and students. There will have to be separate chairmen, vice-chairmen, secretaries, engineers, &c., for every community on every board. The taxes and revenue paid by Muhammadans should be spent for the convenience and comfort of Muhammadans only and by the voice of Muhammadans only. Naturally then the same rule must be applied to the case of Hindus and other non-Muslim communities. This will practically mean that there should be two boards within one and two Indias within one India, one for the Muhammadans and the other for the Hindus, to say nothing about other communities. In fact it is difficult to lay down any line of demarcation as to how far this principle of separate representation is to hold good. If Hindu and Muhammadan interests are different and should be separately represented, then there is no reason why Shias and Sunnis, Brahmins and Kshatriyas, Kayasths and Vaishyas should not be separately represented. Jains and Christians cannot be left out of consideration altogether. It will be very difficult and harassing, if not practically impossible, to provide for separate and equitable representation of all the different communities, castes, religions and interests on the local boards and in the different services and departments. In towns and villages Hindus and Muhammadans live in close proximity, they breathe the same air and walk upon the same roads. It will be impossible to make separate arrangements to look after Hindu and Muhammadan quarters. The case has only to be foreshadowed in its full length to show how utterly wrong and impracticable the idea is. Timely it should have been nipped in the bud, but it has unfortunately gained an undeserved vitality and strength by the concession made by Lord Minto in an unguarded moment that the Muhammadans shall have separate representation on the Legislative Councils. Wisdom and true statesmanship demand that the mistake should be rectified, but if that is not yet to be, it should certainly not be intensified by the extension of the wrong principle to bodies other than Legislative Councils. Separate communal representation on the municipal boards has been tried lately in the Punjab and has not been found the blessing it is alleged to be. The Hon'ble Mr. Mant said the other day in the Punjab Council (Punjab Gazette 1913 Part V, page 68) that 'separate electorates have a tendency to secure the election of extremists on both sides and that the present system at Multan has not relieved the tension which is undoubtedly detrimental to municipal administration'. So long as the wrong idea which underlies the demand for separate representation is allowed to exist the tension cannot be removed. The sore may be covered up, but the superficial covering will only make the sore worse and more dangerous. Experience shows that even where the contest lies between two Hindus only the Muhammadans in a body back up one of them so that the candidate backed up by them may, if successful, side with them. The evil does not lie in the elections, but in the spirit in which they are contested. I am convinced that separate electorates are not the true remedy for the tension. To my mind they will prove just the reverse, and in course of time will make co-operation extremely difficult. If two irregular bodies are allowed to rotate near

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each other in course of time the irregularities wear off and then they go on rotating harmoniously and smoothly. By keeping in separate water-tight compartments the differences and eccentricities are likely to grow. I do not think the honourable members who have spoken for separate representation fully realize the ultimate effect if separation is to be thorough and complete. My friends the Hon'ble Dr Sapru and Pandit Moti Lal have contented themselves by saying that if Muhammadans cannot be happy otherwise then let them have separate representation. I do not know whether they are at all personally in favour of separate representation. Presumably they are not. They only agree to give separate representation because the Muhammadans are so insistent and would not be satisfied otherwise. I utterly deprecate the idea of separate representation on account of its pernicious effects on national life and the relations of the communities, and I hope and trust that the Government will not at least go any further in the direction of communal representation. The proceedings of the Council bear ample testimony to the baneful effects of the separate electorates and lead to no other conclusion than that after separate elections the demand for separate representation in the different services will soon be put forward, and the Government will then find itself face to face with difficult problems of administration. However, if the Muhammadans will not be happy till they have separate representation and the Government also in its wisdom thinks fit to accede to their demand, then I will only say with my honorable friends Dr Tej Bahadur and Pandit Moti Lal that the representation should be proportionate to the population and contribution to public revenue. The confidence reposed in the British Government is chiefly due to its sense of justice and impartiality and any leaning shown by Government to any party, or community will surely give a serious shock to the people. I therefore hope and trust that the Government will fully weigh the logical and far-reaching effects of the proposal for communal representation and disallow it. In any case it should not be allowed to be used as a cloak for getting excessive representation. It is no use concealing the fact that the excessive representation of Muhammadans by separate electorates along with participation in the joint electorates for Council elections has created feelings of strong dissatisfaction among the non-Muslim middle-class men. If the same scheme or one similar to it is adopted in case of local boards, and if any representation is given in excess of what the Muhammadans are justly entitled to, the feeling of dissatisfaction will surely filter down to the masses. The Government will, I am sure, keep up its high prestige for impartiality and will do nothing which may savour of favouritism or partiality or may tend to cause discontent among the people. The only qualifications for public offices should be, as laid down in the famous proclamation, education, ability and integrity. The profession of any particular religion should not be allowed to be put forward as a claim for excessive representation.

"I will now invite Your Honour's attention to another matter. I think a reference was made some time ago by the Hon'ble Mr Ashworth to some pending proposals for the improvement of the prospects of Government pleaders. I will gladly welcome any substantial improvement in this direction. To get really first class law officers the Government must pay them well, and there is no reason why the Government should make a worse choice than an ordinary litigant does. I also think that, not only with regard to the District Courts but also with regard to the two highest courts at Allahabad and Lucknow, certain reforms are necessary in this direction. In the Judicial Commissioner's Court there is only an ill-paid Government pleader with no Standing Counsel or Government Advocate. I think the position and status of the Government Pleader here should be raised and a Standing Counsel should be appointed. In the Allahabad High Court the position of the Government Pleader has lost much of its former prestige and, so far as I know, for

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the last many years his only function has been to give opinions whenever wanted. In addition to the Government Pleader there is a Government Advocate and an Assistant Government Advocate. The office of Government Advocate corresponds to the office of the Advocate-General and I see no reason why he should not be formally raised to that status. I also think that there is room and necessity for the appointment of a standing counsel in the High Court whose duty should be to conduct the civil cases to which the Government or court of wards or municipalities are parties. It is by dividing work in this manner that the interests of these bodies can be properly looked after.

"Before I sit down I beg to draw Your Honour's attention to the necessity of a suitable contribution to the Partab Singh Girls' School at Moradabad to extend its building. Your Honour has only lately seen the city and the school and I therefore need not say much to show how badly further accommodation is wanted in the school. Another adequate contribution is required to enable the school to improve the staff. Female education being so backward, yet I hope the Government will find it convenient to make suitable contributions for these purposes. Your Honour has also, I am sure, been convinced of the necessity for water-works at Moradabad. The municipality is heavily in debt and cannot afford to give anything out of its funds for the purpose. The orders for the abolition of octroi have landed it in fresh difficulties and I am afraid that, even for the normal expenditure, the Government will have to hold out its helping hand to the municipality. For flushing sewers only a system of water-works may be secured for less than a lakh, but that will be only a half measure. Drains will remain badly flushed as they are and wholesome drinking water will not be provided for. Under these circumstances I hope the Government will be pleased to supply the necessary funds for a complete system of water works so that the flushing and supply of drinking water problems may be satisfactorily solved once and for all."

The Hon'ble MR. BAILLIE said:—

"There are one or two matters mentioned by the various honourable members who have spoken in connection with the departments under my charge which appear to call for a few remarks. The first statement on which I propose to remark was made by the Hon'ble Lala Sukhbir Singh. He suggested that further leniency in settlements was necessary in order to induce the zamindars to invest more largely in improvements on their lands. The history of settlements throughout the period of British rule in India has been one of more extended leniency. When we originally took over from the Moghal rulers assessments were made at something like eighty per cent or more. This was gradually reduced to a fixed percentage between 60 and 70 per cent. A further reduction was again made by which the proportion of assets to be taken by the Government was fixed at 50 per cent. and this percentage is now interpreted by settlement officers in a most lenient way. Something under 50 per cent. is now taken. After making due allowance for improvements effected by zamindars and other special arrangements for taking a lower jama, it seems to me that any further leniency would imply the transfer not only of Government revenue but Government property to a class and at the expense of the tax payers in general. There is not the slightest reason to believe that further leniency would result in greater improvements. There are many tracts in these provinces, even in which the land revenue is a mere fraction of the income, but there are no traces whatsoever in these tracts of improvements by the zamindar.

"The Hon'ble Pandit Moti Lal Nehru commented very adversely on the present system of recruitment for the public services, which he characterized as 'degrading'. He suggested that applications for appointment should be addressed to a central selecting Board and that anything in the nature of canvassing should disqualify. The proposal of a central selecting Board is impracticable because of

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the enormous number of applications which would come before this Board. Even apart from this, it seems to me that the system he proposes can have effect only when human nature as understood in these provinces is changed. It is not reasonable to expect that a parent or any person interested in the success of a young man should not apply for an appointment for him, and it is not possible for a Government officer to refuse to hear any person who wishes to support the claims of a candidate. It seems to me that the system by which we now select candidates, the nominations being made by district officers or Commissioners who come into contact with a large number of claimants, and who nominate for the consideration of a selecting Board is as good as in the present circumstances we can have.

"A suggestion was made that patwaris should be transferred after they have served ten years in the same circle. The proposal implies a vital change in the relations between zamindars and patwaris. We have in these provinces deliberately recognized the right of the zamindar to suggest a man for appointment as patwari, and we believe that close relation between the zamindar and the patwari is necessary to secure that the papers that the patwari keeps up should be full and accurate. This principle in itself makes it impossible to transfer patwaris as a matter of course. There are several reasons against the adoption of the course proposed. It would, as I have said, not be good for the papers, it would be hard on the patwari, who would have to provide himself with a house, as no houses are to be had on hire in villages, and it would deprive us of the local knowledge and memory we expect the patwari to have.

"The fourth point I wish to remark upon was a reference made by the Hon'ble Rai Shankar Sahai to the Bundelkhand Alienation Act. The defects he mentioned have already come to notice. It is true that the general notifications issued have the effect of excluding from the agricultural classes some classes of persons who are really agriculturists, and possibly, I think certainly, of including others who are not agriculturists. The question is now under inquiry, and if necessary amending notifications will issue. The honourable member advanced the opinion that the Land Alienation Act had injuriously affected the credit of agriculturists in Bundelkhand. That their credit has been affected of course is undoubted, but the information we receive leads us to believe that it has not been so impaired as to make it difficult for them to obtain any reasonable credit, or to be likely to lead to their future ruin. One thing is certain; that the agriculturists of Bundelkhand are deeply attached to the Act and regard it as a great benefit to them that it has been passed.

"One more word I wish to say. Personally I feel that I cannot refrain from expressing my sympathy with the remarks made as to the Sarda canal. I trust that it will be yet found possible to safeguard the rich and closely populated districts on this side of the Gogia by the waters of the Sarda."

The Hon'ble MR. TWEEDY said —

"With your permission, Sir, I will say a few words on the subject of the marked increase in the excise revenue to which so many honourable members have alluded with misgiving. It is perfectly true that in so far as it indicates any strengthening of drinking habits it is not a subject for congratulation. But it is by no means certain that this is the case. The bulk of the excise revenue is derived from the lower classes, who have drunk from time immemorial, and will continue to drink according to their means. However much we may regret it, we cannot shut our eyes to the fact that when times are good, they spend more on drink, and when times are bad, they spend less. It is perfectly certain that an increase in the excise revenue indicates, first and foremost, that agricultural conditions are favourable and that the wages of the labouring classes are high. An increase of the excise revenue follows agricultural prosperity as surely as night follows day. The policy of the Government is, and has always been, clearly defined. The maximum

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of revenue from the minimum of consumption is the principle to which Government adheres, and whenever figures show unduly high consumption the duty is raised as high as it can go without incurring the risk of illicit distillation. In pursuance of this policy Government has raised the duty during the past year in several of the larger towns. The preventive administration is now at a high point of efficiency and we may justly claim that the increase in revenue is due to a considerable extent to the practical extinction of illicit distillation.

"The question of the increase of drinking habits among those classes whose religious sanctions forbid drink is a difficult one, but at any rate if such an increase is taking place it cannot be attributed to the policy of Government, for the picture of the seductive booth painted by the Hon'ble Lala Bishambhar Nath does not appeal to these classes. Government is fully in sympathy with the hopes expressed by the Hon'ble Shaikh Shahid Husain and other honourable members who look forward to the day when we shall see the country free from the evil of drunkenness. The honourable member said—'I look forward to the day when public opinion will gather in volume and unanimously pass an edict of suppression.' These are excellent sentiments, and no doubt very good work is being done by the temperance societies among various castes in organizing opposition to the prevailing tendency to drink. Such efforts have the cordial approval of Government, but social reforms must be spontaneous. They must come from within, and a suggestion made by the Hon'ble Pundit Tej Bahadur Sapiro that the Government should place themselves at the head of the temperance movement is hardly a practical one. I may mention that inquiries are now proceeding to see if it is possible to extend still further the principle of local option and in other ways to reduce drinking facilities."

The Hon'ble Mr HUTTON said:—

"A remark has been made by one of the honourable members regarding the lapses under 43—Agricultural works. I must explain this was due to the abandonment of the Nuh Jhals' project at the last moment owing to the unwillingness of the agriculturists to bear the annual charges on the capital cost. The project has therefore been shelved at present.

"While listening to the remarks of certain honourable members on the subject of the disposal of the waters of the Sarda canal, I was reminded of the truth of the saying that we do not know the worth of a thing until it is about to be taken away. For over forty years all the various plans of my department for the irrigation of Oudh from the Sarda have been consistently and strenuously objected to by the taluqdars of Oudh. After so many rebuffs and moved by the sight of so much good water running to waste, it is not surprising that the Irrigation department turned its attention to the utilization of the water in other parts of the provinces where it was considered that there was greater need for irrigation and where in consequence it was likely to be better appreciated. The outcome of this is the present Sarda-Ganges feeder which is now before the Government of India. As an irrigation engineer I congratulate the taluqdars of Oudh on their conversion to an appreciation of the merits of canal irrigation, a conversion which, though tardy, is, I understand, complete. I have no doubt that the representations which, I understand, they have made, even at this late hour, coming as they do from so large and important a section of the community, will receive full and sympathetic consideration. But I would remind honourable members from Oudh that the opposition of the Oudh taluqdars was not the sole objection to the various canal projects in Oudh, and that although this has now passed away, those other objections still remain and have considerable force. There have been grave doubts in the minds of many experienced engineers as to the wisdom on the score of waterlogging of introducing canal irrigation on a large scale into a tract of country where the spring level is already as a rule very high and where the physical configuration of the country and

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the character of the soil and of the sub-soil are such as we find in Oudh. Thus it is certain that any such introduction would have to be accompanied by extensive and expensive drainage operations. There is a further doubt as to the canal proving a productive work in a tract of country where the average rainfall is so high and where as a rule it is fairly well distributed. Experiments have recently been successfully conducted in the Punjab on an important form of tube well and the supplies obtained from these wells have proved sufficient to fully justify the cost of the installation of a motor driven pump. I understand from my friend the Hon'ble Mr. Hailey that the Agricultural Department is now putting down several of these tube wells, and I see myself no reason to doubt why they should not prove equally successful in these provinces. Should this happily prove to be the case, such tube wells will in my opinion go a long way towards providing a solution of the difficult problem of irrigation in those parts where water is found only at great depths or is non-existent. These conditions are to be found in many parts of Oudh."

The Hon'ble COLONEL MANIFOLD said —

The references which have been made by honourable members to disease and its ravages in this province and to the whole system of medical relief are always followed by me with the greatest attention. I very often find in them most valuable suggestions and most valuable backing up and support in ideas which have been brought forward and movements which have been made towards combating it. It is customary for honourable members to be really ahead of the times in their ideas on the subject of combating disease. I will not say that the Government is actually ahead of the times, but so much up to date that it is really in advance of the ideas and of the general prejudice of the mass of the population with regard to the measures which they would propose. In many other countries these measures are very easily carried out. Although it is only probably fifty years ago since hygienic measures were instituted in other countries, still education and progress have been immense in those fifty years. We are starting right back at the very beginning of things, and not only at the very beginning but with a tremendous amount of prejudice and superstition against us. I think this is very often overlooked. It is very difficult to be optimistic, as the Hon'ble M. Shahid Husain said I was, but I think where you have the very worst situation it is very often leading to improvement, because its ravages are such that greater and greater attention is being paid to what can be done, and I feel very much that in the way honourable members have made reference to what has been done a great deal of consideration is shown for the fact that we have to work slowly, and although we have to work slowly we are working surely and doing our best and that is the reason why we are sometimes optimistic. Plague of course is the disease which has caused the greatest destruction to human life of late years, and it is one which every one must look upon with the greatest gravity and really feel the greatest distress when they see the terrible loss of human life all round in these provinces. I do not think that we have at any time fallen behind since we began in point of combating it. It even came before in the time of Lord McDonnell and the greatest care was then taken. The moment there was any danger anticipated, every attempt was made to prevent its increase. Great care was then taken with regard to starting hospitals. They were worked on a most excellent basis and were put up in places like Ballia and Soraoon, which were excellently suited to every class of person and where the greatest privacy could be obtained, and had they been successful we were ready to extend them. But what has been the result? We had practically no people going to them. Scientific observers in this country worked very hard in their laboratories in practical work and they discovered the system of inoculation. They discovered the way plague is spread by the agency of the flea and the rat, and

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their work has been taken advantage of by all countries in the world wherever plague occurs. But in this country we have really been able to get very little forward as yet with regard to inoculation. Then the people themselves came forward and adopted the method of evacuation, and I think probably the best results are obtained under these rather primitive arrangements. But the method of evacuation which they adopt is that they still mass together very largely. Evacuation has undoubtedly been effective, and I am quite at one with the wishes expressed by honourable members that aid should be given to people in the matter of putting materials and every facility for getting proper shelter. That, I believe, will be of great assistance. Then with regard to the attitude of the people themselves I am certain that they are gradually coming round to a more reasonable attitude. I was very much struck last week when I was up in one of the western districts where a great deal of relapsing fever as well as plague was occurring. There was a very experienced civil surgeon who was visiting the village. He was very uneasy with regard to inoculating those people who were suffering from relapsing fever. It so happens that it is a disease which chiefly attacks the poorer classes. In this village there were a large number of Rajputs and Chamars, and the Chamars were specially subject to relapsing fever. The principle of inoculation was recognized by the Rajputs and he inoculated them. He told the Chamars that he was afraid to inoculate them as they might die from relapsing fever and the effects of inoculation. Well, do you know, they came and begged to be inoculated and said—'What have we done? Why are we poor people not going to be inoculated, and why are you not trying to save our lives, and you are trying to save the lives of the Rajputs—the better class of people?' That in itself shows that we are coming to a stage in which we hope for a more reasonable attitude being adopted. But the difficulty is enormous. It was put to me the other day by a distinguished foreign scientist who visited India. He had been so struck by the ravages of plague in India that he, although he was not in the way of being able to see much of the disease, investigated it as far as he could in his laboratory, and he theorized on it, formed a striking hypothesis, and then he said—'I must come out to India and study the disease on the spot. I shall have no difficulty in getting a number of cases to work.' He came. He had a limited time at his disposal, and had to be back in three months. He told me he was terribly disappointed. He first visited the larger cities on the Western coast where there were special plague hospitals and where the medical man in charge of those hospitals was one of the people of that place. They knew him and he knew their habits and everything. He thought it was the place where he might usefully spend five weeks on plague. But he was disappointed. He then went to Northern India and from there he was sent down here. I at once started placing him into communication with the officers of the travelling dispensaries, as I knew they had in some places established influence and that he would see cases which he would not see in hospitals. He went out the first day in this very city with the medical officer of health, a man who belongs to this country, and who knew the habits and ways of the people. He was out from 7 o'clock till 4 in the afternoon, and when he came back he said—'I quite realize your difficulties in this country. I went out with a gentleman who was most kind and who had the interest of the people thoroughly at heart. I went from one house to another, and I went outside Lucknow where the villages were mostly evacuated and where monkeys were running all about the houses. I came to a house where there were people stricken with plague, and although the medical gentleman was the kindest of men and his manners were everything that could be desired, the people fell at our feet and begged us to go away. I quite see now the tremendous difficulties you have to face when you wish to bring relief to these people.' I am very glad to say

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that through the agency of travelling dispensaries he found himself in many villages, but if he went out to various places both in the Eastern and Western districts, he would be looked upon with suspicion and people would shut up their houses and absolutely refuse admission. He came away greatly pleased with the way he had studied the disease. I am glad to think that although we have no actual panacea which we can use as a curative agent such as quinine for malaria or other specific remedies for various diseases, yet I believe we are gradually gaining the confidence of the people by showing that we are able and willing to treat every disease, by which we get them accustomed to call in the aid of the medical men of these travelling dispensaries, and that in time we will be able to effect a good deal. But at the same time I think there is a great deal to be worked at still in this country, although, as I said, a great deal has been done already. The great gravity of the disease is causing scientists all over the world to work at it, and we hope to see very shortly the effects of their labours, possibly in finding that we have still even other causes to go back to, which may be beside the actual flea and rat, which we at present believe to be the original cause. I have listened with great attention to the speech of the Hon'ble Raja of Jahangirabad in which he enunciated his views with regard to dispensaries and facilities that should be afforded to people coming in from a distance. I think it is most excellent of him, and the Medical Department will certainly do what they can to introduce such measures as will allow people who come in from long distances to get rest and to be looked after for a day or two.

"I have listened with the greatest attention to the Hon'ble Munshi Narsingh Prasad when he talked about Benares and its respiratory disease. There is no doubt that there is a great mortality from respiratory diseases, especially tuberculosis, and I think that the time has come when not only the medical profession but all lay members of the community in this province should join together and try and support a campaign against tuberculosis. We have already, thanks to the generosity of many donors in this province, been able to start a sanitarium, which has been so far a great success. In fact we cannot, as I said the other day, find accommodation sufficient for the number of people who wish to go to it. But that is merely touching the very fringe of the disease. We want to see dispensaries for tuberculosis started in every large city in this province, where not only patients themselves but their friends who are just in the beginning stages of the disease will be able to be treated. There are new scientific methods of treatment of this disease which, I am glad to say, people seem to be taking advantage of in a way which is really very unusual for any new remedy, and how they have taken to various rather unpleasant restrictions. It seems that they recognize more fully the advantages of these new remedies in the case of tuberculosis than any other disease and they recognize that strict attention must be paid to the various rules and regulations regarding exercise, diet and to what are usually looked upon as unpleasant measures.

"The Hon'ble Mr. Shahid Husain alluded to the great infantile mortality and he advocated the introduction of measures by which *dais* should be more or less registered or anyhow certain restrictions should be put on their avocation, unless they have shown a certain amount of primitive knowledge in the elements of cleanliness and precautions that have to be observed. I should very much like to see all this come about, and I hope honourable members will influence their town people and all the leading members of their community to try and work this matter up, which is a most important one. We have already in the Medical Department started classes for these bazaar midwifery practitioners for the last two years, and although we have had to fight against an enormous amount of superstition and prejudice, we have really been rather successful considering the difficulties we had to labour under; and I am all for pursuing this course and I feel sure that the support which the

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honourable member gave in his speech will be carried out in practice by everyone here in trying to persuade influential inhabitants of the various towns and cities.

"With regard to training more Indian Christian girls, I must say that I should like to see them educated all round, but I believe the person we ought to educate is the actual bazar *dari*, to whom the ordinary townspeople and village people resort. Even in this very city it was brought to my notice by a lady doctor that she could not get employment for the two Christian girls who had been educated, and that impressed me more and more with the necessity of educating the actual indigenous *dari*.

"The amount of medical relief by travelling dispensaries is being extended very considerably this year. We have already got 42 dispensaries, considering that we only started 2 years ago, I think that is a very large number to have attained to. I am sure we may look forward to Government extending this branch of medical relief still further. I was very much struck with the way the Hon'ble Maharaja of Bahampur advocated this and other measures, and I am sure with the support of prominent members of the community like that we shall be able to do a great deal."

The Hon'ble LIEUTENANT-COLONEL MACTAGGART said —

"The only criticism which has been passed with regard to the budget of the Jail Department was made by the Hon'ble Lala Bishambhar Nath, who has suggested that the pay of Indian jailors is insufficient. Considering the work which these officials have to do and the responsibility which they have to undertake, I certainly think that these officials are not overpaid, but beyond saying that I am not prepared to go further in agreeing with the honourable gentleman. The present scale of pay for Indian jailors was only laid down a few years ago after full consideration by Government, and I then considered, and I believe that practically all the jailors in these provinces considered, that it was a fair and equitable scale of pay. The honourable member appears to think that the jailors of these provinces as a body profited very little by the changes, but I certainly think that he has been misinformed on this point. The old scale of pay was as follows:—12 jailors on Rs 100, 16 on Rs. 75, 21 on Rs 50 and 1 on Rs 35. In this scale even the most deserving official could never hope to obtain more than Rs. 100 a month and consequently he could never hope to obtain a pension of more than Rs 50 a month. The new scale of pay is one jailor on Rs. 250, one on Rs 200, 2 on Rs 175, 2 on Rs 150, 4 on Rs. 125, 10 on Rs. 100, 15 on Rs. 75 and 15 on Rs 20. A deserving and zealous official is perfectly certain to rise to a reasonable rate of pay in a moderate number of years' service and he is also certain to obtain if he survives at the end of his service a reasonable pension. Under these circumstances I do not feel prepared to suggest at present to the Government any further revision in the scale of pay of jailors. I am, however, much obliged to the honourable member, and I am sure the Indian jailors of these provinces will be much obliged to the honourable member for the very kindly interest which he has taken in their welfare.

"The Hon'ble Dr. Tej Bahadur has suggested the formation of a special court for the trial of cases of juvenile offenders on the same lines as the children's courts which, I believe, now exist in England and America are run. I understand that the honourable member does not so much wish for the institution of special tribunals as that the existing courts should, when necessary, hold special sittings to dispose of the cases of juvenile offenders and that these special sittings should not be held at the kutcherry where the ordinary criminal cases are disposed of. The result of this procedure would no doubt be that juvenile offenders under trial would be brought less in contact with the adult under-trial prisoners than they now are and would certainly be less familiarized with the surroundings of criminal courts than

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they now are. With this suggestion and with every other suggestion which has for their object the more effective separation of juvenile and adult offenders and the lessening of the number of juveniles who are sent to jail, I have very full sympathy and I think that the suggestion of the honourable member is one which is worthy of the sympathetic consideration of Government."

The Hon'ble Mr. HAILEY said —

' The references to the Agricultural Department are not numerous, and my remarks will be brief. Two honourable members, the Raja of Jahangrabad and Raja Kushalpal Singh have alluded to the desirability of extending the operations of the Agricultural Department. The latter complains that the number of demonstrations at our disposal are small. This is not exactly the case, but it is true that at present our demonstrations are very much limited to areas adjoining the farms and they do not extend as far as they should all over the districts in the United Provinces. But it must be remembered that we are a young department and the trained staff is very limited, and we cannot extend indefinitely until both our staff and our means are very considerably increased. We are gradually extending our operations into new districts and of this the Hon'ble Raja Kushalpal Singh is well aware, as he has been largely instrumental in procuring a centre for work in the Agra district from which demonstrations will be made in the vicinity. I may also point out that in the budget provision has been made for a third circle officer which will permit of much closer attention being paid to the districts which are now untouched by the department. He also suggested that agricultural exhibitions are very popular and more money should be spent on them as they are the means of bringing together a large number of cultivators. I have made a suggestion to Government which I hope will be the means of improving the popularity of these exhibitions so far as agricultural matters are concerned. On the subject of these demonstrations generally I may mention that a certain number of landowners have suggested the formation of an agricultural association. One of the main objects will be that they will provide us with small plots of land on which we shall make demonstrations of new and improved kinds of crops and the funds of the association will be expended in enabling the cultivators to provide themselves with seed and also providing breeding stock from the agricultural farms for their tenants.

"As regards the agricultural education of the sons of zamindars I may say that the whole subject of the reorganization of the college is now under the consideration of Government and I have no doubt the views of the honourable members will be borne in mind by the Government.

"I must briefly allude to the remarks of the Hon'ble Babu Moti Chand as I fear he is under some misapprehension regarding the *modus operandi* of the department. The department does not confine itself to the issue of bulletins, and I am afraid that the method of improvement he advocates of teaching by peripatetic teachers according to the system available in America would not be of much avail. Most of the forms of verbal teaching do not find favour with the cultivator, who pays very little attention to mere words, but, on the other hand, is extremely ready to adopt any new crops that are actually demonstrated and grown in his village. The honourable member complains that our methods require more expenditure than the cultivator possesses and he is therefore slow to adopt them. But special varieties of seeds were distributed gave either a largely improved yield or else a better quality of production and are for this reason more valuable to the cultivator. It does not cost him any more to grow them than his inferior varieties. For instance our cottons fetch a higher marketable price than the ordinary deshī for qualities that are appreciated in the market. As to our expensive methods, at some of our farms no manure of any kind is used so as to demonstrate to the cultivator what he can do himself by a proper cultivation and yet obtain very largely

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increased yields For instance I may say that the special cotton of the Agricultural department can give a yield of 13 to 14 maunds per acre of kapas against about 8 to 9 maunds of deshi Therefore my honourable friend is mistaken to say that our methods are very expensive for the cultivator to adopt I may remark that our difficulty is in providing a fractional portion of the seed required the available seed is for the most part sold in advance, and that is why we want more demonstration farms to enable us to produce the seed required

"I most fully agree with the Hon'ble Lala Sukhbir Singh that the co-operative societies could give us much help in multiplying the seed, and as a matter of fact some of them do One of them alone has taken seed for nearly a thousand acres of our cotton and they are putting down large areas of our wheats, but the great difficulty they experience is in storing the seed from one harvest to the other This means the erection of somewhat expensive storing sheds, and the great majority of the societies are not in a position to incur these expenses. One or two, however, are putting them up. If more assistance in this direction could be given by the department more progress could be made

"I must also thank the Hon'ble Shaikh Shahid Husain for his kindly remarks about the department and I welcome his statement that the department will receive every assistance from the large landholders in trying to improve the cattle stock of the provinces I most fully endorse the pious wish expressed by him and the Hon'ble Lala Sukhbir Singh that the department should receive a more liberal treatment in the forthcoming budget. I appreciate this the more since while one member after the other has got up and suggested that more money should be given to education, no one, so far as I am aware, has suggested that anything might be done for agriculture. Agriculture is the support of the agricultural population of these provinces and supplies incomes in the form of rents to a very large number of landholders Therefore anything that effects its well being vitally effects the welfare of the province as a whole, and it seems that money devoted to it is money well invested."

The Hon'ble MR. BURKITT said —

"The speeches we have heard show that the non-official members of the Council fully appreciate the liberality of the policy which the Government has been pursuing with regard to the departments under my charge. The criticisms I have to meet are not numerous and they mostly are of a kindly nature. I would first like to correct what appears to me to be one or two misapprehensions on the part of honourable members If I understood him aright one honourable member said that the amount of recurring expenditure for female education for this year amounts to only Rs. 70,000 This is not correct. There is a sum of Rs. 70,000 from last year's grant of 7 lakhs There is another sum of Rs. 70,000 from the new grant of the Government of India Both of these are recurring While on this subject I may mention that in addition to these two grants, which make up a lakh and forty thousand rupees, the sum of a lakh and forty seven thousand has been provided from the provincial revenues for female education, making up the total to two lakhs and eighty-seven thousand, which I propose to compare with the actual expenditure of the year 1911-12 which amounted to Rs. 1,18,000 Therefore we have to spend this year considerably more than twice as much as the amount spent two years ago. Before leaving the subject of female education, I may say that, though I listened with great attention to all the remarks made by the honourable members who spoke on the subject, I regret to say I did not hear any practical suggestions as to how we are to meet the chief difficulty connected with that subject, that is, the increase of the number of teachers for female schools. I may say that we shall be very glad to receive any such suggestion anybody may have to make. Another honourable member reproached us for not spending the whole of the recurring grant of seven lakhs made by the Government of India last year. I am not sure whether he is referring to the whole

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of that grant or to the Rs 4,50,000 allotted for expenditure last year. Of this Rs. 4,50,000, Rs 4,40,000 were spent and Rs 10,000 lapsed because buildings for which it was provided could not be built within the year. Certain statistics as to the number of schools and scholars were mentioned by another member. He mentioned figures for the year 1906-7 and compared them with those for 1910-11, showing that whereas in the former year 6,06,000 represented the number of the scholars under instruction, four years later that number had only risen to 6,45,000, that is to say, by 39,000. As to this I may say that it is a fact that the Government does not deny that the increase in education during these years was not what Government would like to have seen. There were special causes at work with which honourable members are well acquainted, and I may refer the honourable member to the fact that the quinquennial report of the Director of Public Instruction shows that one year later, that is to say, at the end of 1911-12, the number of persons attending schools had risen to 7,12,000, that is to say, the increase in that one year was 67,000 as against 39,000 in the previous four years.

"The Hon'ble Raja of Jahangnabad referred to the necessity for suiting primary education in rural tracts to the needs of the inhabitants of those tracts. This is an object with which this Government is in full sympathy, and all I need say about it is that no doubt it will form one of the subjects which will be considered by the committee on primary education.

"Certain members lamented the new rules which restrict the number of students in classes, pointing out that as a result certain boys were shut out from education. This is no doubt unfortunate, but it is the policy of Government, as education, to be worth having, must be efficient, to look in the future for the development of education to an increase in the number of schools rather than to unmanageable classes in which both the time of masters and pupils is wasted.

"Various honourable members have spoken on behalf of their constituencies. They pointed out the pressing needs of their own people. Government is in entire sympathy with their remarks and is obliged to them for having drawn attention to these needs. However, all that can be said at present is that they will be all given due consideration when detailed allotment of funds is being made.

"I now come to a point which was referred to by several honourable members, that is, the allotment made by the Government of India in the present grant to European education. The allotment made was objected to as excessive on the basis of population, but I hardly think that is a fair criterion to apply. There are certain points which perhaps escaped the attention of the honourable members who dealt with this question. In the first place they only dealt with the share given to European schools in the present grant. To treat the subject fairly, one must consider the share they received from other grants. In the present non-recurring grant they have received Rs 5,50,000 out of Rs. 42,00,000 that is roughly $\frac{1}{8}$. Since the year 1906, some Rs 61,41,000 have been given us by the Government of India. These are the Rs 15,91,000 grant, the Rs. 3,50,000 for hostels and the present grant of Rs 42,00,000. Out of these there have been allotted to European schools Rs 2,00,000 out of the Rs. 15,91,000 and Rs 5,50,000 out of the present grant. They received nothing out of the Rs 3,50,000. Therefore their total share in these non-recurring grants is Rs. 7,50,000, which also represents about $\frac{1}{8}$ of the total. But when we come to consider the recurring grants, we find a considerable difference. In 1906, there was a grant of Rs. 6,00,000 made by the Government of India. In this European schools had no share. There was then the grant of Rs. 60,000 recurring. In this also they had no share. In the grant of Rs 7,00,000 they received Rs. 47,000. In the grant of Rs 20,000 out of the Rs. 4,25,000 which remained out of His Majesty's Rs. 50,00,000 grant, they received nothing. In the

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present Rs. 6,38,000 grant, they are receiving Rs 80,000. Therefore the total amount they have received or are receiving in recurring grants is Rs 1,27,000 out of a total of Rs 19,58,000, which is roughly $\frac{1}{15}$. Another point with regard to European schools is that the vast majority of pupils are in secondary schools. In Indian schools the majority are in primary schools. Taking the figures in the quinquennial report of the Director of Public Instruction, I find that out of 4,454 pupils in European schools, no less than 4,097 were in secondary schools. Another point of course is that the education per boy or girl in a European school must of necessity be more expensive than in Indian schools. Putting aside all other considerations, the fact that these schools require for the most part to be in the hills is one which involves largely enhanced expenditure. Finally I must refer to the fact that all these schools are aided. There is not a single European school maintained entirely by Government. Therefore the policy of the Government—and it is well known that it is the policy of Government to increase secondary education mainly by means of aided institutions—has been merely to assist the generosity of private donors. Taking all these circumstances into consideration I do not think we can fairly say that the present allotments are excessive.

"I now come to a question about which there was a certain amount of difference of opinion in the Council. That is the question of hostels. We had it from one honourable member that he thought that the Rs 8,25,000 allotted for this purpose was excessive. Another honourable member's opinion was that it was not sufficient. The sufficiency or insufficiency of this cannot possibly be settled at present. It can only be known when we have gone through the schemes in detail. But I may say that the Government fully endorses the remarks made by the Hon'ble Dr Sundar Lal on this subject. It fully believes in the importance of good hostels and a good hostel system. The hostel system, it is hoped, will remove what has long been considered a reproach to our Indian system, that it teaches but fails to educate. We hope by means of hostels to introduce a corporate spirit, *esprit de corps* and public opinion of the right sort into our schools. In connection with the question of hostels I may refer to the grant of the Government of India, which marks a further step in advance in the policy on this point and that is the non-recurring grant for hygiene in schools and colleges. The whole question of hygiene will probably be considered by committee, but the idea is that the money allotted to it should be spent in building gymnasias and arranging for play grounds, and in erecting common rooms and so promoting the corporate spirit of the institutions for which these are provided. But I have no doubt that some arrangements will be made to provide for what seems to be a very excellent suggestion of one honourable member and that is to encourage individual decency among the boys by giving prizes for personal cleanliness and tidiness.

"The subject of hygiene naturally leads me to sanitation. After the remarks of the Hon'ble Colonel Manifold I need not say very much on the question of plague. I may, however, mention that it is now under the consideration of the Government to considerably increase the number of the 42 plague dispensaries to which he referred. These dispensaries have been most successful, and that success justified the proposed increase. Colonel Manifold spoke eloquently of the difficulties which he has had to contend with owing to prejudice and ignorance. About the reality of these difficulties there is no doubt. This is a matter in which Government is to a large extent powerless, but with reference to which I am entitled to say that it may fairly look for assistance to the educated community and more especially to their leaders who are assembled in this Chamber. By precept and example far more can be done by the educated community than can be done by any Government however well intentioned and powerful. Reference has been made to the question of hutting on evacuation of villages affected by plague. There is an idea abroad that Government

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is entirely unwilling to pay any of the expenses connected with these operations. That is not correct. Though not in all cases willing to meet the expenditure connected with building new huts, it has under its consideration proposals to pay for those in the case of persons who are genuinely unable to do so for themselves. After plague I turn to the subject of malaria. Experiments in the quininization of schools were carried on during the years 1909, 1910, and 1911 in the districts of Budaun, Muttra, Meerut and Aligarh. These were eminently successful and have taken the measure out of the region of mere experiment. It is impossible to arrange a far-reaching scheme except after due consideration and a certain amount of delay. But in order that the rains of this year may not be lost it is the intention to extend the measure to selected areas on a more extensive scale.

"The last question to which I have to refer is the matter of the Greeven scheme. The Hon'ble Nawab of Bahau spoke on behalf of the residents of Bulandshahr. I may say at once that the only reason that the scheme has not been extended to Bulandshahr is that buildings are not available, and it is the intention to consider the plans for such buildings without delay. It may be possible to afford some measure of relief before these buildings are completely erected. For instance the chief drawback to the inhabitants of Bulandshahr is having to go to Aligarh for their original cases. This involves going there themselves and taking their witnesses and paying their expenses. If before the buildings have been completely erected, it is possible to arrange for the subordinate judge to sit at Bulandshahr, this will be done.

"As to Kumaun an honourable member pointed out that its present condition justifies its being brought under the jurisdiction of the Allahabad High Court. As to that, all I have to say is that the Greeven scheme contemplates that this should be done, and as soon as arrangements can be made the Greeven scheme will be extended to Kumaun and it will become a regular district under the jurisdiction of the Allahabad High Court."

The Hon'ble MR BURN said. —

"It used to be the case in this Council that at the annual budget meeting my friends the Inspector-General of Police and the Judicial Secretary arrived here prepared for violent attacks on the establishments under their control. This has ceased to be the case for some years. But during the present budget debate we have heard an attack in a new direction. The honourable member from the Meerut division who may, without injustice, be called a Rip Van Winkle, has awakened to the terrible discovery that the establishments in our courts are corrupt from top to bottom. Well, Sir, he has drawn a terrible picture. But, unfortunately perhaps for his own arguments, he has ventured to give an estimate of the amount of money which this terrible class of harpies is wringing from the people. He tells us that we may assume that in the offices at head-quarters, by which I presume he means the courts of Collectors, Judges and Sub-Judges, — a tax of more than 56 lakhs of rupees per annum is levied. I have had the curiosity to ascertain the total cost of the establishments concerned, and find that we pay the clerks in the offices of Collectors, Judges, Sub-Judges and Munsifs in all something like 23 lakhs a year. If we are to believe the honourable member's statement, individuals are making 2½ times more than their pay from illicit fees. He goes on to say that if we take all the courts in all parts of the provinces, the establishments are probably realising 1 or 1½ lakhs. Comparing this figure again with an item in the budget, we find that it amounts to 20 lakhs more than the total stamp duty derived from court fees. That is to say that while the litigants who go to court have to pay money on their plaints, summonses, and money for

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witnesses and various other items, they pay as much again, and 20 lakhs in addition, to the clerks of the court. I do not think, Sir, that such a statement will be accepted by anyone in this room. But it so happens that other members of the Council who have spoken have directly contradicted the honourable member, and one member has in fact suggested that head clerks and superintendents should once more be made eligible for promotion to deputy collectorship. I do not think that if the Hon'ble Rana Sahib who made that proposal had had the same experience which the Hon'ble Khwaja Sahib professes he would have made such a recommendation as that. But it will be within the experience of all members of this Council, both official and non-official, that there are honest clerks in our service, and that the proportion of clerks who are strictly honest is increasing. I think there will be no one, who has served as a district officer, who has not had melancholy examples of clerks dying and leaving their families, without any charge of undue extravagance, in a terribly destitute condition. One such case has been brought to my notice only this morning. Some years ago when I was making inquiries into the income-tax assessment, a little book fell into my hands in such circumstance as to make certain that it was genuine. The book was labelled "Kharch adalat" and in it I found many curious items of payments which were not warranted by the law. But after the most careful examination the worst that could be said was that a certain number of clerks were accepting small fees for simply doing their duty.

"The honourable member has also ventured to make a few suggestions for improvements. In some of those he has shown an imperfect appreciation of the facts. He suggests a special form for the payment of land revenue by money order. But, Sir, there is such a form, and it can be used not only for land revenue but for payment of many other kinds of demands by Government. He has further suggested that in conducting partition the services of legal practitioners of respectability should be employed instead of amins and qanungos. I may remark in passing that qanungos have nothing at all to do with the details of partitions. As regards the main suggestion, it is the universal practice, when drawing up a partition proceeding to ask the parties concerned in what way they wish the partition to be carried out. I would suggest that when the honourable member returns to Meerut he should ascertain from the officer in charge of partitions when the next partition proceeding is to be drawn up and should offer his services. I am afraid that respectability will not always be accepted by zamindars as a substitute for a knowledge of surveying and agricultural conditions. I should like to know what the Jat zamindars in Bhairacharya mahal would say to his proposal. The honourable member has said that all Government officials from the highest to the lowest are indifferent to this state of things. There, Sir, I am afraid he shows that he has not studied the details of the budget. The Government desires to improve the condition of the amla and in regard to the matter which he has charged against them, their first proposal is to increase the scale of pay so that men may at least have decent way of living. There are other remedies which are constantly being tried. So far as possible the payment of any sum to Government by way of fees has to be done by the affixing of stamps to an application. Every presiding officer, who has the very lowest conception of the duties of his position, is continually on the watch to check any exactions of this sort. Lastly, we must recognize that the backward state of education in this province cannot be neglected in a question like this. In considering an illegal gratification we have to remember not only the taker but the giver, and until a higher standard exists in all classes I think it will be impossible to expect that illegal gratifications shall cease altogether.

"To turn to the proposal which has been made by the Hon'ble Rana Sahib, it is the universal experience in all countries that lines can safely be drawn between different grades of the public services. There have been countries in which

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it was always possible for a clerk to rise through all grades to the very highest position, and the general conclusion of those who have studied such systems is that such an arrangement is wrong. This is the main argument why head clerks and superintendents are now as a rule debarred from appointment to the post of tahsildar or deputy collector. Government endeavours to offer to clerks a reasonable career, but their capabilities and the class of work on which they spend most of their time are not such as to fit them for a different range of functions.

"The Hon'ble Babu Moti Chand has made some remarks on co-operation. His chief suggestion was that an expert should be brought to this country from Denmark or some other country in Europe where co-operation has been a great success. Sir, if such an expert were brought into this country his first task, and not a slight one, would be to become acquainted with the very complex conditions of India. The position seems to be that the main principles of co-operative credit are comparatively simple and the difficulty lies in their application to local conditions. I have recently seen a letter from Mr. Wolff, one of the great authorities in the world on co-operative credit. It was a letter of encouragement and commendation addressed to the Registrar in this province. I think, Sir, that, as appeared from an answer to a question given at a recent meeting, our main difficulty in these provinces is the want of non-officials to help in spreading the movement on lines already well ascertained.

"The Hon'ble Shaikh Shahid Husain has said a few words about the administration of Court of Wards in this province. He has stated that there is some apprehension that the policy of saving the estates of improvident land owners will not be vigorously carried out. I think, Sir, that the position of Government is clear in this matter. It is hardly possible that the Court of Wards should assume the position of a liquidator in chief of debts due from landed estates. But where there is a hope of saving a substantial portion of an estate in a reasonable time and for a worthy successor, it is the policy of Government to use without hesitation the extended powers given to it in the recent amendment of the Act."

The Hon'ble MR. PIM said:—

"It has become a pleasant tradition of this Council to congratulate the Financial Secretary on the lucidity of his statement. It is a tradition the more fortunate for me as lucidity of statement is a charge seldom brought against me except occasionally with reference to explanations why grants cannot be given.

"Several honourable members have been good enough to thank me for the way in which their proposals have been received. It is not difficult to receive with an equable mind such proposals when the financial resources at our disposal are great enough to go round, and it is not necessary to leave anyone out in the cold. Things might be different if retrenchments were necessary, but even then it would be difficult to refuse demands so moderate and which were so amicably pressed.

"I have now little to add on most subjects to what has been said in answer to the very moderate and constructive criticisms to which we have listened. On two heads of revenue, excise and stamps, I may perhaps say a few words. Before doing so there are a few points which have been raised with regard to expenditure on which I may touch. The Hon'ble Raja of Jahangirabad has objected to charges included in the budget on account of political detenus, but he seems to be under some misapprehension as the expenditure under this head is met not from Provincial finances but from Imperial funds. The Hon'ble Mr. Asghar Ali has suggested that the pay of chaukidars should be raised to Rs. 6 a month. It is a reform which I would be very glad to see, but the recurring cost would be about twenty-five lakhs a year. I should prefer to compound with him for a good many town halls for Bareilly. The Hon'ble Rai Shankar Sahai made allusion to the recent non-recurring grant of one lakh seventy thousand to municipalities, and has expressed

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the hope that it would enable some of these municipalities which have recently changed their system of taxation to reduce the rate of taxation I am afraid this is exactly the one thing which that grant was not intended to enable them to do. It is simply intended to assist them in tiding over the difficulties of the intervening period until they can again equate normal income and expenditure.

"Several honourable members, the Raja of Jahangirabad and others, have alluded to the delay which is unfortunately taking place in carrying into effect the recommendations of Mr Pike's committee for improving the pay of the staff in Collectors, and other offices. I fully share their regret and sympathize with the disappointment of the clerks. Every effort will be made to render the delay as short as possible. It is obvious that when extra recurring expenditure, amounting to probably six lakhs, is undertaken, such expenditure cannot be incurred without the fullest consideration and the sanction of the highest authority. The way, however, in which one proposal for increase of pay leads to another is well illustrated by the proposal of the Hon'ble Rai Ganga Parshad Varma that as a consequence of this increase a corresponding increase should be made in the pay of Sub-Registrars' clerks, while the Hon'ble Pandit Mahadeo Pershad would give to Sub-Registrars themselves (one of the most popular services in the province) higher pay, as well as giving them peons. We can, I am afraid, only go step by step in this matter of improving the pay of the various grades of staff, and we are very fortunate in having been able to provide for as much as we have done. One principle has been put forward for such improvements in pay, namely, that they should be given to those branches of the various establishments as the result of whose labours the provincial income has largely increased. Such a principle would, no doubt, be exceedingly acceptable to the Excise Department, but I am afraid the Hon'ble Mr. Douglas Straight would probably view it differently.

"Improvements in the sanitation of cities more especially, but also of rural areas and smaller towns, have been put in the forefront of the proposals made by honourable members, and there is no proposal with which the Government is more in sympathy. The state of Cawnpore and of Benares has been forcibly put before us, and no doubt the testimony given by the mortality returns hardly needs further amplification. Lucknow also has expressed its needs. It is never backward whenever any money is to be distributed. As regards our resources to meet such proposals, we are now in the happy possession of 27½ lakhs non-recurring in addition to recurring grants of eleven lakhs. The Government of India have stated that these grants are primarily for urban sanitation, but may be diverted to other well considered schemes. The Government will now be in a position to consider sympathetically any properly worked out schemes either for urban sanitation or for town improvements which have met with the approval of the Sanitary Board, and which can be carried through in solvency. When, however, the Hon'ble Lala Bishambhar Nath wishes to start his work in Cawnpore with resources equal to those of the Bombay Improvement Trust, I am afraid he is just a little too sanguine. As regards the making of speedy progress on such schemes there are two very important matters which have to be borne in mind. In the first place with our present engineering staff only a certain number of plans can be prepared each year, and only a certain amount of money can be usefully expended. If we try to go further and to spend money hastily and without properly thinking out the plans, the result can only be bad work and disappointment all round. In the second place, in the carrying out of any large schemes, even of schemes on a much more moderate scale than the wholesale reconstruction proposed by the Hon'ble Lala Bishambhar Nath, various questions of the utmost difficulty are likely to arise which can only be satisfactorily settled by the zealous co-operation of influential and enlightened residents. The example of Cawnpore and the recent difficulty in connection with the scheme

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[Mr. Pirm]

for the improvement of the area near the temple of Kali near Calcutta are illustrations of what I mean. How great such difficulties would be in Benares it is not hard to imagine. Though, as I have already said, the grants are primarily intended by the Government of India for the aid of municipal sanitation, yet it might be possible to use some part of them to supplement the additional resources which are now being placed at the disposal of Act XX towns, while we may confidently hope that the machinery to be created by the new Town Areas Bill, which is still under consideration, will allow these resources to be used to the best advantage. As regards village sanitation, experimental advances are being made in several districts towards the control of village sanitation by committees of the residents themselves, and district boards will have to consider such schemes in relation to the multifarious requirements which will come under their consideration in connection with the revision of their contracts. They may, for example, balance such schemes against the large schemes of road extension in Bijpur and in Rohilkhand generally, which are proposed by the Hon'ble Babu Ganga Prasad Varma and the Hon'ble Saiyid Raza Ali. Two honourable members have proposed that recurring assistance should be given to urban sanitation by guaranteeing half the pay of the trained inspectors whom municipalities will now be required to employ. They are under some misapprehension, because this very concession was announced at the previous meeting of the Council and orders are under issue on the subject.

"It now only remains for me to deal briefly with the two heads of our income to which special exception has been taken—Excise and Stamps. The Hon'ble Mr. Tweedy has dealt with the general considerations, and I need only supplement what he has said by examining the figures for a few years past, so as to show how much real justification there is either for the view of the Hon'ble Mr. Raza Ali that the Government has acted on no consistent principle in dealing with excise, or the view of the Hon'ble Dr. Sapru and the Hon'ble Lala Bishambhar Nath, who apparently are willing to allow a principle but suspect that the principle is a bad one. I will therefore take the figures for five years 1907-8 to 1911-12, with the aid of a note which has kindly been prepared for me by the Inspector-General of Excise.

"Taking first the question of opium—the figures show that the issues of opium have fallen from 68,131 seers in 1907-8 to 61,810 seers in 1911-12. During that interval there was a sudden rise in 1910, otherwise the decline has been constant. The figures for 1910-11 were 61,824 or practically the same as in the following year. The decrease due to the check on smuggling was partly counterbalanced by more general prosperity. Licences for the sale of raw opium have decreased by fifty-two in the same period. As regards action for the regulation of sales of opium the Government of India addressed the Local Government in the year 1909 as a consequence of the recommendations of the International Commission at Shanghai, with special reference to the possibility of legal action against opium smoking and of reducing the limit for the possession of preparations for smoking opium. After full consideration of this question it has been decided, and recently carried into effect, that the limit for the possession of *chandu* should be reduced from one tola to half a tola, and the Government of India have expressed the opinion that the time is now ripe for further legislation in the direction of prevention of collective opium smoking as distinguished from smoking of the individual in his own house. That question is also under consideration as is also the question of further changes in the rates for the issue of opium. The present rates were fixed as the result of the proposals of the commission which sat not many years ago, but it is felt that the time may now possibly have come when further progress can be made towards raising and equalizing the sale price of opium having regard to the changes in the conditions in the trade of recent years, but also having regard to the importance of checking smuggling.

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[Mr. Pim]

" Taking up next the question of drugs, the revenue in 1907-8 was 19,65 as compared with 18,95 in 1910-11 and 19,95 in 1911-12. The consumption in thousands of seers in the case of *charas* has fallen from 64 thousands to 53 thousands. *Gunja* has risen from 8 to 14 thousands, and *bharg* has risen from 219 to 238. These figures, however, to be properly understood require to be supplemented by the information that *charas* is much the most potent of the drugs. It is three times as powerful, weight for weight, as *ganja*, while *bharg* is comparatively innocuous. The decline in *charas* is therefore not nearly counterbalanced by the increase in *ganja* and *bharg*. The duty on *ganja* was raised by 40 per cent in 1906 and *charas* was raised by 50 per cent in 1912. The duty on *bharg* cannot be raised very much, as it grows spontaneously over large parts of these provinces. During this period the number of shops for the sale of drugs decreased from 3,730 to 3,517 or by 213. The point, however, to which most members have directed the attention of this Council is that of the consumption of liquor, and two separate classes of liquor have to be considered. In the case of foreign liquor the consumers were confined to special classes and it was with regard to the increase in the habit of drinking among these classes that special complaint has more than once been made. The action taken to check this increase of consumption, has been to raise the duty on beer from one to three annas per gallon, that on foreign spirits was raised in 1906-7 from rupees four to rupees seven per proof gallon, and in 1908-9 to Rs 9-6-0. This has very greatly reduced consumption and in spite of the increase in duty the revenue has fallen from 4,32 in 1906-7, to 3,81 in 1910-11 and 3,08 in 1911-12. The rate of enhancement of duty has indeed given rise to a complaint by European residents of the excessive cost of liquor. At the same time the increased fees on licences have reduced the number of places holding such licences from 231 in 1906-7 to 129 in 1911-12. The reduction in consumption has therefore been very great for this period. In country spirits the figures do not show the same results. The receipts for 1911-12 were 73 lakhs 70 thousand as compared with 65 lakhs 41 thousand in 1910-11, and with 57 lakhs 24 thousand in 1906-07. The increase in five years has therefore been 28 per cent. The first point for consideration is how much of this represents increased consumption and how much represents additional duty. The consumption in 1903-07 was 12,82 thousand gallons and in 1911-12, 15,83 thousand gallons. Allowance has, however, to be made for the extensive conversion of out-stills which have been carried out in the last five years. The population of the area so converted amounts to 30 lakhs 70 thousand, and applying the provincial rate of consumption per thousand this would represent a consumption of 1,04 thousand gallons. Deducting this figure from the consumption of 1911-12 in order to make a fair comparison it appears that the percentage of increased consumption in 1911-12 as compared with 1906-07 is 12 per cent or of the 28 per cent. increase of revenue, 12 per cent only represents the real increase in consumption. Every effort has been made to check the growth of consumption. In every district the duty has been enhanced since 1906-7. In 14 of the largest towns prices have been successively raised till it now stands at four rupees per proof gallon, the same duty as was paid by foreign spirit in 1906-7. The height to which it can be raised is limited by the condition that it must not be prohibitive so as to encourage smuggling or driving the people to worse forms of intoxicants. The former danger is ever present, as *sheera* is readily obtainable in the north and west and *mahua* in the south and east, while members do not need to be reminded of the insidious progress of cocaine. The number of shops has been objected to by several honourable members. In this again there has been a large decrease in the last five years—shops for the sale of country spirits have decreased by 721 since the year 1907-8 and the decrease has been a steady one. For country

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[Mr Pym]

fermented liquor the decrease has been 588 in the same period, but the decrease was almost entirely in the year 1908, in which the committees for the location of shops were first started. I think the figures which I have given show that Government has steadily and consistently followed the recognized policy which has been expressed by the Hon'ble Mr Tweedy. The degree of success in preventing drunkenness is difficult to gauge because it is only in the larger cities that the statistics have any value. But the total number of convictions does not argue any serious deterioration. The proportion per 10 thousand of inhabitants shows some curious variations, being 14.5 in Benares, 9 in Agra, 7.3 in Allahabad, Lucknow 10, Bareilly 9.5, Cawnpore 1.1. The figures for Cawnpore are rather surprising. The Board of Revenue were of opinion that it showed the moralizing effects of steady hard work. It is an attractive theory, but I am not sure that it is correct. The statistics of consumption hardly show such a degree of virtue on the part of Cawnpore, and one is almost driven to the conclusion, with which I do not know whether the Hon'ble Rai Bishambhar Nath would agree, that the people of Cawnpore have harder heads. The fact remains, however, that there has been a considerable increase in consumption, and both the Hon'ble Dr Tej Bahadur Sapru and the Hon'ble Mr Tweedy have, I think, accepted the idea that increased consumption does follow on agricultural prosperity, because when the people have more money at their disposal they are apt to spend it on such pleasures or excitements as they know of and can understand, of which unfortunately drink is one. It is, however, not a necessary consequence of prosperity that the money should be spent on drink, and as an illustration of a case in which this has not occurred I may perhaps be allowed to say a little as to what has happened in the corresponding period in the country which I know best, my own country, Ireland. The Hon'ble Dr Tej Bahadur Sapru has made allusion to the difficulty of temperance work in India. I do not know that social work of any kind is very much easier in Ireland. There too the general harmony is sometimes broken by slight breezes, and different sects do not always see eye to eye. Separate representation is a very living issue, and faction fights even have been known to occur; in spite of that, and in spite of the undoubted great increase of prosperity in the country during the last ten years, there has been great progress in the direction of temperance and that progress bids fair to be permanent as far as we can see at present. This has, however, only been secured by most zealous and persistent movement on behalf of temperance which has been partly conducted by the heads of the various Churches, but owes most of its force to the efforts of many people of ordinary private standing who have given very much time and labour, not only to dealing with members of their own class, but also to dealing with the depressed classes who have most temptations to drink and have few amusements apart from such as they can get in the public houses. These results have been attained in spite of a degree of temptation from the location of shops to which India has no parallel at all. I think that the same results could be attained in India and I understand that recent progress in the Central Provinces shows that a great deal can be done in that direction. The only other head on which I need say anything is that of stamps. The increase under that head has been very marked and commented on by several members. I think there is only the Hon'ble Shaikh Shahid Husain whose satisfaction is unmingled on the subject. The analysis of the figures shows that non-judicial stamps have risen from 23 lakhs 91 thousand in 1907-8, to 24 lakhs 57 thousand in 1911-12. In the same period judicial stamps have risen from 73 lakhs 54 thousand in 1907-8 to 85 lakhs 87 thousand in 1911-12. In the year 1910-11, they reached the extraordinary figure of 96 lakhs 37 thousand, but this was due to a special cause—the reduction of the period of limitation owing to the decision of

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the Privy Council It is, I am afraid, true that just as the labouring classes, the lowest classes, are apt when they get more money to spend it on such excitements as they understand, namely drink, so another class of people, when they get money, are apt to spend it on running a case. Then, besides this general tendency, there are other causes which have been at work. The multiplication of courts and the growing complications of laws and rulings render it more and more difficult for the plain man to find his way, and perhaps I might add as a contributory cause, the large increase in the legal profession. It is, I am afraid, inevitable that as courts multiply and law becomes more complicated the income from judicial stamps is likely to increase. As regards the multiplication of courts, I notice that one of the first results of the Greeven scheme has been that meetings have been held in several places to ask for more courts, while several honourable members have in previous meetings of council asked questions which seem to point in the same direction. I am afraid, therefore, that whatever strenuous efforts may be made to reduce litigation or whatever the bar may do to discourage cases coming into court or to ensure their cheap and speedy decision when they get there, the decrease in the stamp revenue is, as far as the immediate future is concerned, only likely to be caused by a decrease in general prosperity which will leave people little money for litigation.

"There is only one other point to which I may refer, as I think there has been some misunderstanding. The Hon'ble Shaikh Shahid Husain stated that I had expressed a hope in the financial statement that the excise income would continue to increase. I am afraid that he must have read that statement through diffracting glasses as I am unable to discover any sentence in the statement which would tend to that conclusion. All I have said is that the increased revenue was a probable result of agricultural prosperity, and I have studiously avoided any considerations of policy such as those with which he has credited me. There is nothing more for me to say except to give my warm personal thanks to the members for the kindness with which they have received this budget. We have worked together very harmoniously, I speak more especially with reference to the Finance Committee, and I have no doubt we shall continue to do so in the future."

HIS HONOUR THE PRESIDENT SAID —

"The time has now come at which it is incumbent on the President to close this discussion and simultaneously to bring the labours of the current session to their conclusion. The discussion of yesterday and to-day has ranged over a vast variety of subjects. Most of these, in so far as they required elucidation and in so far also as they were relevant to the provisions in the budget, have been adequately dealt with by the official members concerned. Consequently there are only a few points on which it is necessary for me to touch, while I am sure the Council will be grateful if I do not add materially to the length of this symposium.

"Turning first to the Budget of 1913-14, I am rejoiced to hear and I gladly add my share to the chorus of congratulations which have been offered to the Hon'ble Mr Pim on the success of his first budget, and I think he may feel gratified at the reception which his financial dispositions have received at the hands of the honourable members of this Council. He has, as he himself has handsomely acknowledged, been admirably assisted by the Finance Committee whose advice has always been of the highest value, and the budget which he has been able to place before you, is, as I can testify myself, the result of much thought and labour, of an earnest desire to meet the wishes as far as possible of his colleagues, both official and non-official, and of a determination to get the greatest possible value out of our provincial resources. That these resources have been the cause of anxiety to this Council in the past, I am well aware. It has been, as one of my honourable friends reminds me, my lot to take a share in defending the provincial settlement

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in the past, and a witty critic the other day suggested that it was about time to begin the inevitable figure of 8 which would end in bringing me to an attack on the position which it has hitherto been my duty to defend.

"Now an evolution of that sort has no particular attraction* for me, and I confess I do not see any prospect of being called on to embark on it. Our provincial settlement, mainly from historical causes, is admittedly a less liberal one than those of several other provinces in India. But the practical question which we have to face is not one of comparisons or ideals, but rather whether the revenue assignments to these provinces are or are not adequate to our growing requirements if they are controlled with that strict economy which is the inseparable companion of true efficiency. That they are inadequate is yet to be proved, and until it is proved and until care and economy can no longer equate our resources to the growth of our sifted and well-considered demands, I shall not be able to join in the cry for a more liberal settlement. It is quite true, as some honourable gentlemen have pointed out, that we have no money for many desirable things. But what province is there in India, what country is there in the world, what private individual is there who is so happy, or so unhappy, as to have an abundance of funds to meet every possible object of his desires. Look what we have been able to do with the settlement as it stands. If you, gentlemen, will study the careful analysis which the Hon'ble Mr Pim gives at the end of the financial statement in paragraphs 7 and 8, you will find his estimate of the near future to be something as follows. Leaving aside on the one hand the munificent gifts of the Government of India which are mostly earmarked for special expenditure, and on the other hand, trusting that we shall be spared famine, that dread visitant which confutes all financial prophecies, Mr Pim calculates that our revenue and our expenditure will just balance after we carry through the long list of reforms which we have now in hand or which are under contemplation. In that list the Council will find a complete outline of what I may call the necessary renewals and repairs in the machinery of our administration. Let me run through them very briefly. In the first place we have provision for revising the pay of the clerical and subordinate staffs in our executive offices as soon as we succeed in getting the Secretary of State's sanction. This is the scheme associated with the name of our colleague, the Hon'ble Mr Pike, and if we do get the Secretary of State's approval, and I sincerely hope we shall, it will not be a day too soon in coming into effect. For it is incontestably true that a large section of our clerical and administrative subordinates have for years been patiently toiling on pay which has long ceased to be a living wage. Then we have provision for the scheme of rearranging and strengthening the civil courts, a scheme known by the name of the late Mr Greeven. It has already been fully described to the Council, and I need say no more than to affirm what Mr Burkitt has told you to-day, that it is our intention to complete it at the earliest possible moment, and that no time will be lost in starting the buildings which are necessary for accommodating the full establishment which the Secretary of State has now sanctioned. Then we have the important increase to the cadre of deputy collectors, a scheme which was devised and is now happily approved, to ease the burden of work that rests on our provincial service—that service of which we are all justly proud and to which a handsome tribute of approval has recently been paid by the witnesses who appeared before the Royal Commission on the Public Services. On this point again full details have been laid before the Council during the session by the Hon'ble Chief Secretary, and all that I need add is to remind the Council that it is neither expedient nor possible to bring the scheme into full working effect at once. It is not, for example, practicable to find sixty young officers trained and ready to start at once the important duties of deputy magistrates. In the second place, if you could find such a body, their recruitment in a bunch would in time produce such

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an alarming block in promotion as would impair the whole prospects of the coming generation of the provincial service. And lastly, this large addition to our staff, even if it is spread over several years, means extra buildings, extra court rooms, which in many cases we have not yet begun.

"Then the Hon'ble Mr Pim's calculations provide for certain improvements in the conditions of the service of that most meritorious and hard-working body of men, our civil assistant surgeons, whom my friend the Hon'ble Babu Ganga Prasad Varma takes under his special protection, and for whom I trust that we shall be able to procure some substantial benefits if we can persuade the Government of India to see eye to eye with us. Finally, Mr Pim has taken into account the imperative additions to the staff and improvements in pay which we shall shortly have to press for in our Public Works Department. The growth of work in all directions, especially in the great schemes of sanitary development in our cities, has brought into the clearest light the inadequacy of our present engineering staff. If good work and honest work is to be done, supervision will be everything; and without adequate supervision it will be perfectly impossible for us to undertake the heavy additional tale of work which the Government of India's large grants have thrown upon these provinces. I must repeat with emphasis that if we are going to spend the grants with care and profit, so far as they are going to be devoted to bricks and mortar, our staff of trained engineers must be materially strengthened and unless it is so strengthened, my honourable friend the Chief Engineer will be set a task which it will be wholly unreasonable and improper to impose on him.

"These are some of the large schemes which came into the financial outlook before it was described in the terms which Mr Pim has applied to it. This being so, I cannot regard the outlook as being an unsatisfactory one. The grievance that we do not get a half share of the land revenue receipts is not one which appeals to me with much force. For technical reasons with which I shall not trouble the Council, I regard it mainly as a sentimental grievance. Under the accepted policy of the Government of India, even this will disappear, so to speak, automatically as the figure of our fixed assignments rises, and we shall then, I hope, get our half of the land revenue enhancement which the resettlements of the next decade will bring into the public coffers. I think then the point is really not one over which we should worry. And so gentlemen I leave the provincial settlement, with the assurance that its adequacy is a question which will not be allowed to slumber in my hands if the necessity arises for awakening it.

"As several members have truly said, the outstanding feature of the budget is the remarkable series of gifts for which we are indebted to the liberality of the Government of India. It was to me specially gratifying to hear the Hon'ble Babu Ganga Prasad Varma's tribute to the Imperial Finance Member for his share in securing these magnificent grants to us. Apart from a feeling of keen and intimate personal regret, I look upon it as little less than a calamity that Sir Guy Fleetwood Wilson has sent us the last of the gifts which it will be in his power to bestow. No man has ever striven harder to husband the resources of India, no one has ever treated the provincial Governments with equal generosity and no man has been a warmer friend to this country and its people, and his place will be hard to fill.

"I turn now to the gifts which have come to these provinces out of his abundant surpluses; and it is essential that I should at the outset refer to a suggestion which I have heard from more than one quarter that because we are not spending these grants more quickly, therefore we are unable to find employment for them? Never was there a greater delusion. There is no figure within the horizon of financial possibilities which we could not profitably employ on the education of the people and the sanitation of their homes in time. But that is not the issue before

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us at the moment The position in which we find ourselves is this We have been given large sums of money for schools, colleges, drains and waterworks. The gifts are admittedly abnormal inasmuch as a large proportion of them has come out of the extraordinary windfall from the sale of opium which, if we diagnose the politics of China correctly, will presumably never occur again. The consequence is that we have no assurance that these gifts will be repeated, and we have indeed no guarantee that we shall get any more gifts at all of this character in the future The recurring grants which have been guaranteed to us are small as compared to the cash-down payments which we are accused of hoarding. Now from this state of circumstances it seems to me that two obvious conclusions arise, and I think that every man of ordinary business instincts would agree In the first place, as we cannot count on the repetition of these grants, it is obvious that we cannot throw them into the first schemes that happen to offer merely because they are ready or because they are attractive We have an enormous list of demands, present and future, and every instinct of administration tells us that we must take stock of the whole of these demands, select those which are most likely to be beneficial to the causes of education and sanitation as the case may be, and earmark our money for them. This, gentlemen, is what we are doing, and the difficulty will be not to get rid of the money but to make it go round and to serve the most imperative of our needs In the second place, what ordinary business caution teaches us is to look forward to the consequences of these large grants. It is hardly an exaggeration to say that every item of non-recurring expenditure carries in its train an addition to our recurring and permanent commitments. It is easy enough for instance to found a University chair, but we have to make provision for a professor and his pay and the up-to-date paraphernalia of teaching So again with a library, it is a simple matter to put up a building, but you should remember that we have to pay the staff and to buy books to keep the library in the first rank of study and research. So with every case of bricks and mortar. Every public building which we put up needs its annual repairs, and in time its extensions, which form a permanent addition to our P. W. D. charges Again with hostels it is easy enough to put up hostels, but, as the Hon'ble Dr Sundar Lal is aware, a hostel is not a commercial proposition, and for every additional hostel that the Government puts up an additional recurring burden is thrown on the educational budget of all succeeding years Thus, gentlemen, I hope you will see that the delay in spending the Imperial grants is due to no lack of will on the part of the Government, to no inability to allot them, but solely to the sense of financial prudence without which our reforms can only end in failure

"There is one of our windfalls about which you will expect me to say a little, namely the twelve lakhs which was given to the Local Government to be spent at its unfettered discretion The Hon'ble Mr Pm has described how part of this is to be employed in assisting the municipalities which are moving over from a system of indirect to a system of direct taxation. I will recur to this question in a moment Another part of the grant will be devoted, I hope, to what I regard as one of the most crying needs of the province. During a recent tour covering a good number of districts, I was impressed by nothing so much as the discomfort, even the squalor, of the surroundings in which the district staff and honorary magistrates have to carry out their work, the inadequacy, relative to their importance, of the arrangement for preserving our records, the unsanitary conditions under which our amlas have to labour; and the grave inconvenience suffered by the general public who have to attend our courts It has therefore been settled that we shall set aside at least four lakhs out of the twelve lakhs to allow of the reconstruction and extension of the worst specimens of our district kutcheries. This will be in addition to the annual sum placed at the disposal of the Board of Revenue for revenue buildings.

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'To return now to the allotment from this grant to the municipalities, it gives me the text for some brief remarks on the development of municipal government, a topic on which several honourable members touched yesterday. The burning question before our municipalities at present is the abolition of octroi, a reform which the wisdom of Sir John Hewett initiated and which it only remains for the Local Government to carry through with a minimum of hardship. For the larger towns where the trade is mainly railway borne, we have received the approval of the Government of India in principle to the replacing of octroi by a terminal tax, but the Government of India have laid down certain conditions which will be duly communicated to the boards concerned, and we have also yet to persuade the railway companies to undertake their share of the work of collecting terminal dues. When the railways realize the filip to trade and industry and the consequent development in their own carrying trade which the removal of octroi ought to promote, I have little doubt that we shall have their cordial co-operation. For the smaller towns where the octroi is being replaced by a house tax, or a property tax, I confess I have very much sympathy. We all hate being taxed, and most of us frankly have a particular aversion to direct taxation. The pressure therefore on these boards to block reform and to allow taxation to go on in the old easy-going, inequitable, corrupt lines must have been very great, and I should like to express recognition of the work of those boards who have resisted this pressure and the chairmen who have stiffened and encouraged them to do so. It is in token of this appreciation that we have decided to give the temporary pecuniary aid which the Hon'ble Mr. Pim has described.

"Coming now to what several honourable members urged regarding the appointment of non-official chairmen to local bodies, I could not without further consideration define a policy which would cover the wide area of their purview. I will only say that, while we are entirely agreed in treating the field of local self government as the training ground for higher political responsibilities, we must ensure that no unnecessary hardship is caused to those at whose expense this preliminary training is carried out. From this point of view I think we must advance with a certain amount of caution in replacing official by non-official chairmen. At the present moment the Commissioners of divisions are selecting a considerable number of towns where this change will be made at once and I hope that the result will be published very shortly, but I have accepted the advice of those experienced officers to exclude from the list those large cities where the burden of administration is specially heavy, those towns at present where party feeling is running particularly high, and as a purely temporary measure those towns where important changes in taxation system are still under discussion. To hand these over straightway to non-official guidance would be wholly unfair, and it would probably end in the breakdown of the experiment. Advance in this direction therefore may seem to appear to you, gentlemen, not to keep pace with the ardent desires of futurists, but I assure you it will be steady if the public respond.

"I had intended saying a few words about plague—that dreadful scourge with which the inscrutable decree of Providence continues to afflict us. But on the one hand Mr. Pim and Col. Manifold and on the other, hand the Hon'ble The Maharaja of Balrampur, and the Hon'ble Raja of Jahangirabad in their shrewd and kindly speeches have anticipated most of what I could have said. It is sometimes suggested that Government in the face of this ghastly recurring epidemic has assumed an air of Oriental fatalism, folded its hands, and declared that little or nothing is to be done. Now, as Col. Manifold has shown, this is very far from being the case. You have heard of the progress of inoculation, of the splendid work that the travelling dispensaries are doing (and here I should like to offer a

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tribute to the unceasing labours and self-sacrifice of our late chief plague officer, Capt Ross of the Indian Medical Service, who has now, we are glad to hear, recovered from his serious illness and has gone to England for a well deserved rest.) But gentlemen, inoculation really does little more than touch the fringe of the evil. And in those areas and in these seasons when plague is particularly rife we should require to have a travelling dispensary in almost every village. It is impossible for the Government to embark on a universal campaign of prophylactic and curative measures without an expense which would arrest all the other business of administration. To my mind much can be done in cheering and helping the people amid the sufferings of the long tragedy which they bear with unexampled and pathetic patience. Evacuation is now their first thought when the disease invades them, and it is in this way that I think we might do more to help the people. Even if we fall into financial heresy, I would gladly allot funds to assist them in hutting, in the watching of their abandoned houses, in the purchase of small necessities for their camps and the like. I heard what Col Manifold and Mr Pim said independently on the same subject with great pleasure, and I can assure you that the question will be examined without a moment's delay. Personally, I should like to make respectable zamindars or committees of landowners our distributing agencies, so as to prevent waste and to ensure the money reaching really deserving people. The question, as I have said, will be taken up at once, and I should be glad of practical suggestions from honourable members for developing or improving the idea.

"By an easy transition I pass from physical ailments to that ailment of the body politic to which several honourable members in yesterday's speeches alluded. The bitterness of feeling between the Hindus and Muhammadans is a question on which my views are known to you all. You know that this Government has no desire to divide and rule, so long as a better ideal is possible. You know that we regard the antagonism between the two communities as wholly lamentable, both from the point of view of the happiness of the people and the progress of the country. If separate representation will allay the evil I shall gladly welcome it. I confess that I am not free from doubt as to its efficacy, but if the suggestion thrown out yesterday by the Hon'ble Dr. Tej Bahadur Sapru for a friendly discussion of the panacea bears fruit, Government will do all in its power to assist. It would give me most sincere pleasure to preside at that conference or any conference for compounding the differences which we all regret. I cannot of course do so until I am invited by the responsible heads of both communities, for the movement towards reunion must depend, not on official insistence or pressure, but on the good sense of the people and the patriotism and sound guidance of their leaders.

"And now gentlemen we have reached the close of the session. Happy is a country that has no history, and happy is the Council which has no legislation. That, however, is only a passing phase, as we expect to have a fairly heavy legislative programme in the near future. But in the meantime, during the past few months we have got through some useful work, and Government has received advice and assistance which it greatly values. Even in the long lists of questions, although the precise bearing of some is not always easy to detect, I have found a good deal to learn. We are always grateful for new points of view, for information about hard cases, for hints of injustice and inequality; and in several instances the questions of honourable members have given us clues which we might otherwise have missed. We have now no other work before us and the session ends. The celerity and harmony with which the business of the first session has been conducted is a happy augury for the future. I hope that we shall meet again in the autumn; but whether it will be at Naini Tal or in the plains depends partly on the character of the work to be done and partly on the convenience of the honourable members, whom I hope to consult informally on the subject when the time gets nearer. Until then I bid the Council good-bye."

The Council was then adjourned *sine die*.

LUCKNOW.

The 15th April 1913. }

W. K. PORTER,
Secretary, Legislative Council,
United Provinces.



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Separate paging is given to this part, in order that it may be filed as a separate compilation.

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ALLAHABAD, SATURDAY, SEPTEMBER 6, 1913

PART VII.

LEGISLATIVE DEPARTMENT.

GOVT., UNITED PROVINCES

The 29th August 1913.

No. 55/XVII—21 —The following Bill, which it is proposed to introduce at the meeting of the United Provinces Legislative Council to be held on the 15th September 1913, is published for general information —

A BILL

To amend the law relating to the imposition of certain rates on land in the United Provinces, and the employment of the proceeds thereof.

WHEREAS it is expedient to amend the law relating to the imposition of certain rates on land in the United Provinces and the employment of the proceeds thereof, It is hereby enacted as follows —

(Part omitted.)

CHAPTER I. PRELIMINARY.

1. (1) This Act may be called the United Provinces Local Rates Act, 1911, and
Short title and extent

(Section 1, Act II of 1908)
(Part omitted.)

(2) it extends to the whole of the territories for the time being administered by the Lieutenant-Governor of the United Provinces

2. In this Act, unless there is anything repugnant in the subject or context,—

(Section 2, ibid.)

Definitions

(1) "annual value" means—

- (a) where the settlement of the land revenue is liable to periodical revision, double the amount of the land revenue for the time being assessed on an estate
- (b) where such settlement is not liable to periodical revision, or where the land revenue has been wholly or in part released, compounded for, redeemed or assigned, double the amount which, if the settlement were liable to periodical revision, or if there had been no such release, composition, redemption or assignment, would have been assessed as land revenue on the estate
- (2) "district board" and "district fund" mean respectively a board established, and a district fund formed, under the United Provinces District Boards Act, 1906
- (3) "estate" means any local area separately assessed to land revenue or separately exempted from payment thereof
- (4) "land" means land assessed to land revenue, and includes land of which the land revenue has been wholly or in part released, compounded for, redeemed or assigned
- (5) "landlord" means the person responsible for the payment of the land revenue, if any, assessed on the estate, and includes a musafidai or other person holding land of which the land revenue has been wholly or in part released, compounded for, redeemed or assigned
- (6) the words and expressions "rent," "permanent tenure-holder," "fixed-rate tenant" and "tenant" have the meanings respectively assigned to them in the Agra Tenancy Act, 1901, and
- (7) "year" means a year commencing on the first day of April

CHAPTER II

LOCAL RATES

(Section 3, Act II of 1906)

3. (1) *The Local Government may, by notification in the gazette, impose in any local area within Oudh or within any part of the province of Agra, not subject to the Benares Settlement Regulation, 1795, a rate, to be levied in respect of each estate in such local area and to be assessed at a prescribed amount, not exceeding five per cent. upon the annual value of the estate.*

(2) *The Local Government may, in like manner, impose in any local area within any part of the province of Agra subject to the Benares Settlement Regulation, 1795, a rate, to be levied in respect of each estate in such local area and to be assessed in either of the following ways—*

- (a) *at a prescribed uniform amount, not exceeding two annas per acre upon the area under*

cultivation at, or within the three years immediately preceding, the date of assessment, or

- (b) *at prescribed differential amounts per acre on the aforesaid area according to the nature or value of the crops grown on, or capable of being grown on, or according to the rent realized or capable of being realized from, the several portions of such area*

Provided that the imposition of a rate to be assessed under clause (b) shall be subject to the condition that the total amount leviable thereby in respect of any estate shall not exceed the total amount that could have been levied by a rate assessed under clause (a)

4 The rate imposed under section 3 shall be called

(Section 4, *ibid*)

Liability of landlord to the local rate, and shall be paid by pay local rates the landlord independently of, and

(Part omitted)

in addition to, any land revenue for the time being assessed on the estate and any cess now levied on account of roads

(Section 5 omitted)

5. The proceeds of the local rates imposed in each district shall be credited to the district

(Section 6, *ibid*)

Credit of local rates*

fund

(Part omitted)

CHAPTER III.

RECOVERY OF RATES AND RELIEFS RELATING THERETO.

6. All sums due on account of any local rate shall be recoverable as if they were arrears of land revenue due in respect of the estate on which the rate is imposed.

(Sections 7, 8, 9 and 10 omitted)

(Section 11, Act II of 1908)

(Part omitted)

Recovery of rates

Landlord's right to recover local rate from tenants in permanently settled areas

7 The local rate imposed under clause (2) of section 3 shall be recoverable by the landlord—

(Section 12, *ibid*)

- (1) from a permanent tenure-holder, fixed-rate tenant or tenant holding rent free, to the extent of the whole amount paid on account of the land held by him, and
- (2) from any other tenant to the extent of one-half of such amount.

8 (1) *One-half of the local rate imposed in Oudh under clause (b) of section 3 shall be recoverable by the landlord from an under-proprietor or a permanent lessee, whose rent has been fixed or recorded by a competent court, to the extent represented by the proportion that the balance of the annual value of the land comprised in the estate, on account of which the rate is payable remaining after subtraction therefrom of the rent so fixed or recorded, bears to half the annual value of such land.*

(Section 13, Act II of 1906)

(2) *The other half of the local rate so imposed in Oudh shall be recoverable by the landlord from such under-proprietor or permanent lessee in the following circumstances and to the following extent and not otherwise —*

- (a) *if at the date of the commencement of this Act the rural police rate was wholly recoverable from such under-proprietor or permanent lessee, in its entirety, and*

(b) if at such date the rural police rate was partially recoverable from such under-proprietor or permanent lessee, to the extent specified in sub-section (1) of this section

(Section 14 omitted)

(Section 15, *ibid*)

(Part omitted)

9 A landlord who was paid on behalf of a co-sharer

Landlord's right to recover contribution for local rate from co-sharer

any sum due from such co-sharer on account of the local rate may recover such sum from such co-sharer

(Section 16, *ibid*)

10 (1) Any sum recoverable by a landlord from an

Modes of recovery

under-proprietor or lessee under section 8, or from a co-sharer under

section 9, may be recovered by suit as hereinafter provided.

(2) In cases in which the provisions of section 185 or section 184 of the United Provinces Land Revenue Act, 1901, apply to the recovery of arrears of rent due from such under-proprietor or lessee or to the recovery of a payment made on account of revenue due from such co-sharer, the landlord may, instead of suing, recover such sum in the manner permitted by those provisions as if the sum were an arrear of rent or had been paid on account of revenue, as the case may be.

(Section 17, *ibid*)

11 (1) Where any sum is exacted as being due on

Compensation for illegal exaction of rates

account of any local rate imposed under section 3 from any person of

the class from which such rate is declared by section 7 or section 8 to be recoverable, then—

(a) if such sum was not recoverable under either of the sections last mentioned, the amount of such sum, and

(b) if such sum, whether it was or was not so recoverable, was obtained by coercion or fraud, such compensation, not exceeding two hundred rupees, as the court thinks fit to decree,

may be recovered by such person from the person who exacted such sum.

(2) An award of compensation under sub-section (1) shall not affect any punishment to which the person who exacted the sum may be liable under the Indian Penal Code.

(Section 18, *ibid*)

(Part omitted.)

12. Suits for the recovery of sums on account of any

Suits as to rates

local rate, and suits on account of illegal exaction of any rate, shall be

entertained, heard and determined as if they were suits of the nature contemplated—

(1) in the case of local rates in *Agra*, by section 159 or section 160, section 102 and section 86 or section 103, as the case may be, of the *Agra Tenancy Act, 1901*, and

(2) in the case of local rates in *Oudh*, by clause (2), clause (9), sub-head (a), and clause (16) of section 108 of the *Oudh Rent Act, 1886*,

and all matters of jurisdiction, limitation and procedure shall be regulated, so far as may be, by chapters XII to XIV and by chapters VIII to X of the said Acts respectively.

- 13 (1) Any person aggrieved by an order purporting to be made hereunder in any matter relating to the assessment of any local rate may, within a period of sixty days from the date of such order, appeal from such order to the Commissioner, whose decision shall be final and conclusive
- Appeal (Section 19, Act II of 1906.)
(Part omitted)
- (2) Notwithstanding anything in sub-section (1), the Board of Revenue may, of its own motion or upon the application of any such persons as aforesaid, call for the record of any proceeding in which an order of the nature referred to in sub-section (1) has been made, and make thereon such order as justice and the circumstances of the case may require.
- (3) The provisions of the Indian Limitation Act, 1908, relating to the exclusion of time in computing the period for presenting an appeal shall apply to appeals under this section.
- 14 A suit shall not lie in any civil court to set aside or modify any assessment of a rate imposed under this Act
- Bar of jurisdiction of civil courts (Section 20, Act II of 1906.)

CHAPTER IV

Supplementary provisions.

- Subsidiary powers of Local Government 15. The Local Government may, by notification in the gazette,—
- (a) *exempt any estate or class of estates from assessment to, or payment of, the whole or any portion of the local rate payable in respect thereof,*
- (b) prescribe by what instalments and at what times any rate imposed under this Act shall be payable and by whom it shall be assessed and collected,
- (c) direct a revision of the assessment of the local rate imposed under clause (a) of section 3,
- (d) direct the making of fresh measurements for the purpose of such revision,
- (e) make rules to carry out the purposes of this Act
- (Section 21, *ibid*)
[Clause (2) omitted]
- 16 Clauses (a) and (b) of section 17 of the Northern India Fairs Act, 1878, shall, in their application to the United Provinces, be read as if the following clause were substituted therefor, namely—
- “(a) In the territories for the time being administered by the Lieutenant Governor of the United Provinces of Agra and Oudh such tolls, rents, compensations and fines shall be credited to the Local Government and applied, first to defraying all charges incurred in carrying out this Act in those territories, and then to assisting, in such manner as the Local Government may direct, the district fund of any district in which or on the borders of which, any ferry is situate.”
17. From the commencement of this Act an under-proprietor or permanent lessee shall not be liable to pay any sum on account of the maintenance of the
- Release of under-proprietors and permanent lessees from liability to maintain rural police N.W.

rural police, notwithstanding anything contained in any decree of a court whereby any liability, general or specific, is imposed on him in respect of such maintenance.

Now.

18 Section 3 and clause (a) of section 15 of this Act shall, so far as may be necessary to validate anything done or purporting to be done under the United Provinces Local and Rural Police Rates Act, 1906, by the Local Government or by any officer of Government, be deemed to have had effect as if they had, been in force from the date of the commencement of that Act.

[Section 28, Act II of 1906]

Repeal of United Provinces Act II of 1906

19 The United Provinces Local and Rural Police Rates Act, 1906, is hereby repealed.

THE UNITED PROVINCES LOCAL RATES BILL, 1913.

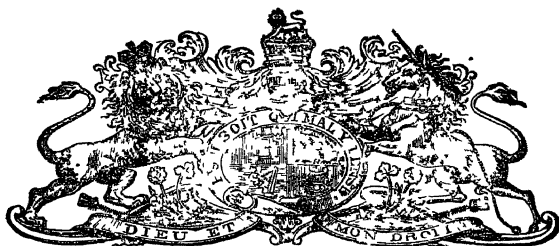
STATEMENT OF OBJECTS AND REASONS.

THE present Bill "to amend the law relating to the imposition of certain rates on land in the United Provinces and the employment of the proceeds thereof" is required by the recent decision of the Government of India to discontinue, with effect from the current financial year, the appropriations hitherto made in Agra from the local rate in aid of expenditure which will now be chargeable to provincial revenues, and to provincialize the cost of rural police in Oudh.

To take the place of the existing 3 per cent police rate in Oudh, the Bill provides for an enhancement of the local rate from $2\frac{1}{2}$ to 5 per cent, instead of to the full $5\frac{1}{2}$ per cent, which is the total of the existing two rates. It is considered undesirable to impose a higher local rate in Oudh than is payable in Agra.

The changes in the present Local Rates Act, 1906, required to effect these objects are sufficiently numerous and diffused to render repeal and re-enactment preferable to the enactment merely of an amending Act.

A. W. PIM.



Government Gazette,

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to
this part, in order that it
may be filed as a separate
compilation

Published by Authority.

ALLAHABAD, SATURDAY, OCTOBER 4, 1913

PART VII.

LEGISLATIVE DEPARTMENT.

GOVT., UNITED PROVINCES

BILL NO. II OF 1913.

The following Bill was introduced into the Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh for the purpose of making Laws and Regulations, on the 15th September, 1913 :—

THE UNITED PROVINCES LOCAL RATES BILL, 1913.

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| (16) | 10 | Modes of recovery |
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| 16. | Amendment of Act XVII of 1878, section 17 |
| 17 | Release of under-proprietors and permanent lessees from liability to maintain rural police |
| 18 | Retrospective effect of certain sections for the purpose of validating things done |
| 19. | Repeal of United Provinces Act II of 1906 |

A
BILL

To amend the law relating to the imposition of certain rates on land in the United Provinces, and the employment of the proceeds thereof

WHEREAS it is expedient to amend the law relating to the imposition of certain rates on land in the United Provinces and the employment of the proceeds thereof; It is hereby enacted as follows —

(Part omitted)

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the United Provinces Short title and extent Local Rates Act, 191 , and

(Section 1, Act II of 1906
(Part omitted))

(2) it extends to the whole of the territories for the time being administered by the Lieutenant-Governor of the United Provinces

2. In this Act, unless there is anything repugnant in Definitions the subject or context,—

(Section 2, ibid)

(1) "annual value" means—

(a) where the settlement of the land revenue is liable to periodical revision, double the amount of the land revenue for the time being assessed on an estate.

(b) where such settlement is not liable to periodical revision, or where the land revenue has been wholly or in part released, compounded for, redeemed or assigned, double the amount which if the settlement were liable to periodical revision, or if there had been no such release, composition, redemption or assignment, would have been assessed as land revenue on the estate.

(2) "district board" and "district fund" mean respectively a board established, and a district fund formed, under the United Provinces District Boards Act, 1906.

(3) "estate" means any local area separately assessed to land revenue or separately exempted from payment thereof

(4) "land" means land assessed to land revenue, and includes land of which the land revenue has been wholly or in part released, compounded for, redeemed or assigned:

(5) "landlord" means the person responsible for the payment of the land revenue, if any, assessed on the estate, and includes a muafidar or other person holding land of which the land revenue has been wholly or in part released, compounded for, redeemed or assigned

(6) the words and expressions "rent," "permanent tenure-holder," "fixed-rate tenant" and "tenant" have the meanings respectively assigned to them in the Agra Tenancy Act, 1901, and

(7) "year" means a year commencing on the first day of April

CHAPTER II

LOCAL RATES.

(Section 8, Act II of 1906)

3. (1) The Local Government may, by notification in imposition of local rates the Gazette, impose in any local area within Oudh or within any part of the province of Agra, not subject to the Benares Settlement Regulation, 1795, a rate, to be levied in respect of each estate in such local area and to be assessed at a prescribed amount, not exceeding five per cent upon the annual value of the estate

(2) The Local Government may, in like manner, impose in any local area within any part of the province of Agra subject to the Benares Settlement Regulation, 1795, a rate, to be levied in respect of each estate in such local area and to be assessed in either of the following ways—

(a) at a prescribed uniform amount, not exceeding two annas per acre upon the area under cultivation at or within the three years immediately preceding, the date of assessment, or

(b) at prescribed differential amounts per acre on the aforesaid area according to the nature or value of the crops grown on, or capable of being grown on, or according to the rent realized or capable of being realized from, the several portions of such area

Provided that the imposition of a rate to be assessed under clause (b) shall be subject to the condition that the total amount leviable thereby in respect of any estate shall not exceed the total amount that could have been levied by a rate assessed under clause (a).

(Section 4, *ibid*)

4. The rate imposed under section 3 shall be called

Liability of landlord to the local rate, and shall be paid by the landlord independently of, and

(Part omitted)

in addition to, any land revenue for the time being assessed on the estate and any cess now levied on account of roads

(Section 5 omitted)

(Section 6, *ibid*)

(Part omitted)

5. The proceeds of the local rates imposed in each district shall be credited to the district fund

Credit of local rates

CHAPTER III

RECOVERY OF RATES AND RELIEFS RELATING THEREOF

6. All sums due on account of any local rate shall be recoverable as if they were arrears of land revenue due in respect of the estate on which the rate is imposed.

Recovery of rates

Landlord's right to recover local rate from tenants in permanently-settled areas

7. The local rate imposed under sub-section (2) of section 3 shall be recoverable by the landlord—

(1) from a permanent tenure-holder, fixed-rate tenant or tenant holding rent-free, to the extent of the whole amount paid on account of the land held by him; and

(2) from any other tenant to the extent of one-half such amount.

(Section 12, *ibid*)

(Sections 7, 8, 9 and 10 omitted)

(Section 11, Act II of 1906)

(Part omitted)

8 (1) *One-half of the local rate imposed in Oudh* (Section 13, Act II of 1906)
 Landlord's right to re- under sub-section (1) of section
 cover local rate from under- 3 shall be recoverable by the land-
 proprietors or permanent lord from an under-proprietor or
 lessees in Oudh a permanent lessee, whose rent has been fixed or recorded by
 a competent court to the extent represented by the proportion
 that the balance of the annual value of the land comprised
 in the estate, on account of which the rate is payable remain-
 ing after subtraction therefrom of the rent so fixed or
 recorded, bears to half the annual value of such land

(2) *The other half of the local rate so imposed in Oudh*
 shall be recoverable by the landlord from such under-
 proprietor or permanent lessee in the following circum-
 stances and to the following extent and not otherwise —

(a) *if at the date of the commencement of this Act*
the rural police rate was wholly recoverable
from such under-proprietor or permanent
lessee, in its entirety, and

(b) *if at such date the rural police rate was partially*
recoverable from such under-proprietor or
permanent lessee, to the extent specified in
sub-section (1) of this section

9. A landlord who was paid on behalf of a co-sharer (Section 14 omitted,)
 Landlord's right to any sum due from such co-sharer on (Section 15 *ibid*,
 recover contribution for local rate from co- account of the local rate may recover (Part omitted)
 sharer such sum from such co-sharer

10. (1) Any sum recoverable by a landlord from an (Section 16, *ibid*)
 under-proprietor or lessee under sec-
 tion 8, or from a co-sharer under sec-
 tion 9, may be recovered by suit as hereinafter provided

(2) In cases in which the provisions of section 185 of
 section 184 of the United Provinces Land Revenue Act,
 1901, apply to the recovery of arrears of rent due from
 such under-proprietor or lessee or to the recovery of a
 payment made on account of revenue due from such co-
 sharer, the landlord may, instead of suing, recover such
 sum in the manner permitted by those provisions as if the
 sum were an arrear of rent or had been paid on account
 of revenue, as the case may be.

11. (1) Where any sum is exacted as being due on (Section 17, *ibid*)
 account of any local rate imposed
 Compensation for illegal under section 3 from any person of
 exaction of rates the class from which such rate is declared by section 7 or
 section 8 to be recoverable, then—

(a) *if such sum was not recoverable under either of*
the sections last mentioned, the amount of such
sum and

(b) *if such sum, whether it was or was not so re-*
coverable, was obtained by coercion or fraud,
such compensation, not exceeding two hundred
rupees, as the court thinks fit to decree,
 may be recovered by such person from the person who
 exacted such sum

(2) An award of compensation under sub-section (1)
 shall not affect any punishment to which the person who
 exacted the sum may be liable under the Indian Penal Code

(Section 18, *ibid*)
(Part omitted)

12. Suits for the recovery of sums on account of any local rate, and suits on account of illegal exaction of any rate, shall be entertained, heard and determined as if they were suits of the nature contemplated—

(1) in the case of local rates *in Agra*, by section 159 or section 160, section 102 and section 36 of section 103, as the case may be, of the Agra Tenancy Act, 1901, and

(2) in the case of local rates *in Oudh*, by clause (2), clause (9), sub-head (a), and clause (16) of section 108 of the Oudh Rent Act, 1886,

and all matters of jurisdiction, limitation and procedure shall be regulated, so far as may be, by chapters XII to XIV and by chapters VIII to X of the said Acts respectively

(Section 19, Act II of 1906)
(Part omitted)

13. (1) Any person aggrieved by an order purporting to be made hereunder in any matter relating to the assessment of any local rate may, within a period of sixty days from the date of such order, appeal from such order to the Commissioner, whose decision shall be final and conclusive

(2) Notwithstanding anything in sub-section (1), the Board of Revenue may, of its own motion or upon the application of any such persons as aforesaid, call for the record of any proceeding in which an order of the nature referred to in sub-section (1) has been made, and make thereon such order as justice and the circumstances of the case may require.

(The word "may" omitted)

(3) The provisions of the Indian Limitation Act, 1908, relating to the exclusion of time in computing the period for presenting an appeal shall apply to appeals under this section

(Section 20, Act II of 1906)

14. A suit shall not lie in any civil court to set aside or modify any assessment of a rate imposed under this Act

Bar of jurisdiction of civil courts

CHAPTER IV

Supplemental provisions

(Section 21, *ibid*)

Subsidiary powers of Local Government **15.** The Local Government may by notification in the gazette,—

(a) exempt any estate or class of estates from assessment to, or payment of, the whole or any portion of the local rate payable in respect thereof,

(b) prescribe by what instalments and at what times any rate imposed under this Act shall be payable and by whom it shall be assessed and collected,

(c) direct a revision of the assessment of the local rate imposed under clause (a) of section 3,

(d) direct the making of fresh measurements for the purpose of such revision,

(e) make rules to carry out the purposes of this Act.

[Clause (2) omitted]
(Section 22, *ibid*)

16. Clauses (a) and (b) of section 17 of the Northern India Forests Act, 1878, shall, in their application to the United Provinces,

Amendment of Act XVII of 1878, section 17

be read as if the following clause were substituted therefor, namely—

“(ab) In the territories for the time being administered by the Lieutenant-Governor of the United Provinces of Agra and Oudh such tolls, rents, compensations and fines shall be credited to the Local Government and applied, first to defraying all charges incurred in carrying out this Act in those territories, and then to assisting, in such manner as the Local Government may direct, the district fund of any district in which or on the borders of which, any ferry is situate”

17 From the commencement of this Act an under-pro- *New*

Release of under pro- prietors and permanent lessees from liability to maintain rural police
 notwithstanding anything contained in any decree of a court whereby any liability, general or specific, is imposed on him in respect of such maintenance

proprietor or permanent lessee shall not

be liable to pay any sum on account of

the maintenance of the rural police

18 Section 3 and clause (a) of section 15 of this Act *New.*

Retrospective effect of certain sections for the purpose of validating things done
 shall, so far as may be necessary to validate anything done or purporting to be done under the United Provinces Local and Rural Police Rates Act, 1906, by the Local Government or by any officer of Government, be deemed to have had effect as if they had been in force from the date of the commencement of that Act

Repeal of United Provinces Act II of 1906

19. The United Provinces Local and Rural Police Rates Act, 1906, is (Section 28, Act II of 1906)

hereby repealed.

THE UNITED PROVINCES LOCAL RATES BILL, 1913.

STATEMENT OF OBJECTS AND REASONS.

THE present Bill "to amend the law relating to the imposition of certain rates on land in the United Provinces and the employment of the proceeds thereof" is required by the recent decision of the Government of India to discontinue, with effect from the current financial year, the appropriations hitherto made in Agra from the local rate in aid of expenditure which will now be chargeable to provincial revenues, and to provincialize the cost of rural police in Oudh

To take the place of the existing 3 per cent police rate in Oudh, the Bill provides for an enhancement of the local rate from $2\frac{1}{2}$ to 5 per cent instead of to the full $5\frac{1}{2}$ per cent, which is the total of the existing two rates. It is considered undesirable to impose a higher local rate in Oudh than is payable in Agra

The changes in the present Local Rates Act, 1906, required to effect these objects are sufficiently numerous and diffused to render repeal and re-enactment preferable to the enactment merely of an amending Act

W. K. PORTER,

Secretary, Legislative Council,

United Provinces.

BILL No. III OF 1913.

The following Bill was introduced into the Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh for the purpose of making Laws and Regulations, on the 15th September 1913 :—

THE UNITED PROVINCES STEAM BOILERS
AND PRIME MOVERS BILL, 1913.

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2. *Definitions.*
3. *Boiler or prime mover when deemed in charge of an engineer or engine-driver*

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4. *Inspectors*
5. *Powers of entry and inspection by an Inspector.*

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6. *Prohibition of use of boiler or prime mover without licence*
7. *Application for licence.*
8. *Granting of licence.*
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20. *Penalties for certain offences.*
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Supplemental provisions.

24. *Appeals.*
25. *Application to Crown boilers and prime movers.*
26. *Protection to persons acting under the Act.*
27. *Savings.*
28. *Repeal.*
29. *Extension of Act to combustion engines.*

[Words printed in italics indicate changes in the text of Act I of 1899]

A Bill to amend the law providing for the inspection of steam boilers and prime-movers attached thereto in the United Provinces of Agra and Oudh and to make provision for extension of the law so amended to combustion engines

WHEREAS it is expedient to amend the law providing for the inspection of steam boilers, and prime movers attached thereto, and for the management of the same by competent persons and to make provision for extension of the law so amended to combustion engines, It is hereby enacted as follows:—

CHAPTER I

Preliminary.

[U P. Act I of 1899, s. 1]

1. (1) This Act may be called the *United Provinces Steam Boilers and Prime Movers Act, 1913*.

(2) *It extends to the whole of the United Provinces.*

(3) *It shall come into force on the day of*

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[Ibid., s. 2]

Definitions

2 In this Act, unless there is anything repugnant in the subject or context,—

(1) “boiler” includes any vessel exceeding 50 gallons in cubical capacity used for generating steam under pressure,

(2) “inspector” means a person appointed under this Act to be an Inspector, and “the Inspector” when used in reference to any boiler or prime mover means the Inspector to whom is assigned under section 4, sub-section (1), the local area in which such boiler or prime mover is situated;

(3) “owner” includes any person placed for the time being by an owner in independent charge of a boiler or prime mover and any person using a boiler or prime mover on hire or loan from the owner;

(4) “prime mover” includes any steam engine, and a fly wheel, first driving shaft or pulley when attached to any such engine, and every appurtenance necessary for safe and efficient working of a prime mover.

[New]

3 (1) A boiler or prime mover shall be deemed to be in charge of an engineer or engine-driver within the meaning of sections 8 and 10 of this Act when it has been placed in his charge in circumstances consistent with such immediate and continuous control [by him thereof as a prudent man with professional experience of machinery should require, and not otherwise.

(2) In considering whether circumstances are or are not consistent with the aforesaid control regard may be had to any duties of the engineer or engine-driver other

than the duty of attending the boiler or prime mover and the proximity or remoteness of any machinery with which such other duties are concerned to or from the boiler or prime mover

(3) The mere fact of an engineer or engine-driver being in charge of another boiler or prime mover shall not of itself be deemed inconsistent with the aforesaid control.

CHAPTER II

Inspectors.

[U P. Act I of 1899, s 8]

4 (1) The Local Government may appoint such persons as it thinks fit to be Inspector of boilers and prime movers within such local limits as it may assign to them respectively.

(2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the Local Government may indicate in this behalf

[Ibid., s 13]

5 Subject to any rules in this behalf an Inspector may within the local limits for which he is appointed—

- (a) at any time and without notice enter into any place or building where he has reason to believe that a boiler or prime mover is used,
- (b) make such examination of the boiler or prime mover as he may deem necessary for carrying out the purposes of this Act, and
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Act

Provided that if an Inspector requires that the use or working of a boiler or prime mover shall be discontinued for the purpose of examining the same he shall give the owner three hours' notice

CHAPTER III

Licensing of boilers and prime movers.

[Ibid., s 5]

6 A boiler or prime mover shall not be used unless a licence authorizing its use has been granted under this Act and is in force

[Ibid., s. 6.]

7 (1) Any owner of a boiler or prime mover wishing to obtain or renew a licence authorizing its use may apply in writing to the Inspector

(2) On receipt of an application under sub-section (1) the Inspector shall, in communication with the owner, appoint a day and time for the inspection of the boiler or prime mover, provided that the day so appointed shall not be later than thirty days from the date on which the application is received

(3) On the date so appointed the Inspector shall carefully examine the boiler or prime mover, and the owner or person in charge thereof shall afford to the Inspector all reasonable facilities for the examination and all

such information regarding the boiler or prime mover as he may reasonably require

[U. P. Act I of 1899, s. 8]

Granting of licence

8 When the Inspector is satisfied—

(a) that the boiler or prime mover is in safe working condition, and

(b) that the boiler or prime mover is in charge *either of an engineer, or, in the case of a boiler or prime mover of not more than 20-horse power nominal, of an engine-driver holding a certificate of competency granted under rules made by the Local Government in that behalf,*

he shall give to the owner, on payment of such fee as the Local Government may by rule prescribe, a written licence signed by him in the form prescribed *in the schedule of this Act*

[Ibid]

9. (1) If the Inspector is not so satisfied he shall refuse to grant a licence, and shall give the owner within forty-eight hours

a copy of his order of refusal.

(2) *Such order shall specify the reasons for the refusal of the licence, and, in the event of the licence being refused on the ground that the boiler or prime mover is not in safe working condition, shall specify the alterations or additions, if any, whereby the defect may be remedied.*

[Ibid, s. 10]

10. Every licence granted under this Act shall state the period for which it is to continue in force, and shall be granted subject to the condition that no structural alteration or renewal is made to the boiler or prime mover otherwise than in accordance with the provisions of this Act, that the boiler or prime mover is not used otherwise than in a condition which the owner in good faith believes to be compatible with safe working, and that, except as otherwise provided by any rule made in this behalf, the boiler or prime mover shall remain in charge either of an engineer, or, in the case of a boiler or prime mover of not more than 20-horse power nominal, of an engine driver holding a certificate of competency granted under rules made by the Local Government in that behalf

Explanation.—"Good faith" in this section means good faith as defined in the Indian Penal Code.

[Ibid, s. 11]

11 An authority appointed by the Local Government in this behalf may revoke or suspend any licence granted under this Act in respect of any boiler or prime mover when he has reason to believe—

(a) that the licence has been fraudulently obtained or granted by mistake or without sufficient examination, or

(b) that the boiler or prime mover has been used in contravention of any of the conditions subject to which the licence has been granted, or

(c) that the owner has refused or omitted to make within the prescribed time an alteration or addition required by the Inspector under section 12, or

(d) that the owner has been convicted of an offence under this Act

12 If, on making in accordance with the provisions of

[U. P. Act I of 1890, s. 7]

Power to order alterations and additions

section 5 an examination of a licenced boiler or prime mover, the Inspector is of the opinion that the boiler or prime mover requires any alteration or addition in order to insure its safe working, he shall serve on the owner within forty-eight hours a written notice specifying the alteration or addition which, in his opinion, is required for the safe working of the boiler or prime mover, his reasons for requiring the same and the date before which the alteration or addition shall be made. The owner shall thereupon make or cause to be made the required alteration or addition within the prescribed time.

13 When so required by the Inspector or by a magis-

[New]

Production of licences and certificates

trate having jurisdiction in the place in which the boiler or prime mover is situated or by any person authorized in writing in this behalf by such magistrate—

(a) the owner of a boiler or prime mover in respect of which a licence has been granted under this Act shall produce or cause to be produced his licence, and

(b) the engineer or engine-drawee of any such boiler or prime mover shall produce or cause to be produced his certificate of competency granted under the rules made in that behalf by the Local Government

CHAPTER IV

Notices and reports.

14 If, at any time during the period for which a

[New]

Notice of intention to make alterations

licence is in force, it is desired to make any structural alteration or renewal in any part of the boiler or prime mover to which such licence relates, notice in writing shall be given of the proposed alteration or renewal to the Inspector, and thereupon the Inspector shall sanction or disallow the alteration or renewal either unconditionally or subject to such conditions as he may consider necessary.

Explanation.—The substitution for a part or fitting of a duplicate or of another part or fitting of a strength and efficiency not inferior in any respect to that originally possessed by the replaced part or fitting shall not be deemed a structural alteration or renewal within the meaning of this section.

15 If the Inspector neglects or omits for ten days

[New]

Consequence of default of notice by Inspector

after the receipt of the notice required by section 14 to communicate to the person who has given such notice any order in respect thereof, he shall be deemed to have sanctioned the proposed alteration or renewal unconditionally.

Report of accidents

16. (1) When any accident occurs to a boiler or prime mover—

[Act XII of 1911, s. 34]

(a) causing injury thereto whereby the boiler or prime mover is prevented from being worked at

normal pressure or speed during the forty-eight hours next after the occurrence of the accident, or

- (b) causing death or injury to any person whereby such person is prevented from returning to his work within the said period of forty-eight hours,*

a report in writing shall be made to the Inspector within seventy-two hours of the occurrence of such accident

- (2) Every such report shall contain a true description of the nature of the accident and of the injury thereby caused, sufficient to enable the Inspector to judge of the gravity of the accident*

- (3) Every person shall be bound to answer truly, to the best of his knowledge and ability, every question put to him in writing by the Inspector as to the cause, nature and extent of the accident*

[Act XII of 1911, s 5]

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself

CHAPTER V

Rules

[U P Act I of 1899, s 17]

17 (1) The Local Government, after previous publication in the gazette, may make rules for the purpose of carrying into effect the provisions of this Act

- (2) In particular and without prejudice to the generality of the foregoing power such rules may—*

- (a) prescribe the manner in which Inspectors are to exercise the powers conferred on them by this Act,*

[Ibid, s 4]

- (b) provide for the grant of certificates of competency to engineers and engine-drivers for the purposes of this Act and for the examination and cancellation of certificates so granted,*

- (c) prescribe the fees payable on account of licences granted under this Act,*

- (d) fix the period or periods for which licences may be granted,*

[Ibid, s 12 (3)]

- (e) prescribe the manner of summoning assessors under section 24, sub-section (2), of this Act and the remuneration to be paid to such assessors, and*

[Ibid., s. 17]

- (f) determine with reference to section 10 the time during which and the conditions subject to which a boiler or prime mover may, owing to the death of the engineer or engine-driver or other emergency, be temporarily used without being in charge of an engineer or engine-driver holding a certificate of competency.*

CHAPTER VI

*Penalties and procedure**Penalties*

18 (1) If any boiler or prime mover is used— [Ibid. s 14]

- (a) without a licence duly obtained under this Act and in force in respect thereof, or
- (b) in contravention of any of the conditions subject to which a licence authorizing its use has been granted,

the owner shall be punishable with fine which may extend to five hundred rupees

- (2) If, upon the occurrence of an accident of the nature specified in section 16, the report required by that section is not made, the owner shall be punishable with a fine which may extend to one hundred rupees.

19. (1) Where the owner of a boiler or prime mover is charged with an offence against this Act, he shall be entitled upon complaint to the court made before the date fixed for hearing the charge to have any other person whom he charges as the actual offender brought before the court on such date, and if, after the commission of the offence has been proved, the owner proves to the satisfaction of the court— [Act XII of 1911, s 42]

- (a) that he has used due diligence to enforce the execution of the Act, and
- (b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like punishment as if he were the owner, and the owner shall be discharged from any liability under this Act.

- (2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

- (a) that the owner has used all due diligence to enforce the execution of this Act, and
- (b) by what person the offence has been committed, and
- (c) that it has been committed without the knowledge, consent or connivance of the owner, and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the owner, and such person shall be liable to punishment as if he were the owner.

Penalties for certain offences 20. Any person who—

- (a) wilfully obstructs an Inspector in the exercise of any power conferred by this Act, or by any rule made under this Act, or
- (b) does or omits to do any other act prohibited or prescribed by this Act or by rule made under this Act or by any order of an Inspector or of

[U P Act I of 1899, s. 14 and Act XII of 1911, ss 43 and 41]

an appellate authority under any provision of this Act,
shall be punishable with fine which may extend to one hundred rupees

Provided that in cases where an appeal is allowed by section 24 against any order of an Inspector no prosecution shall be instituted until the time prescribed by section 24 for the presentation of the appeal has expired or such appeal, if made, has been determined

[Act XII of 1911, s 45]

21 A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

(a) where the repetition of the offence occurs after a prosecution has been instituted in respect of the original offence, or

(b) where the offence is an offence under section 18 of this Act.

[U P Act I of 1899, s 16]

22 (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the magistrate of the district in which such offence is alleged to have been committed

[Ibid, s 14]

(2) No court inferior to that of a magistrate of the first class shall try any offence against this Act.

[Ibid, s 16]

23. (1) No court shall take cognizance of any offence against this Act unless a complaint thereof is made within six months of the date on which the offence is alleged to have been committed

(2) Nothing in this section shall be construed to prevent a court from acting in the manner prescribed by sub-section (1) of section 19 upon a complaint made by an owner under that sub-section in respect of an offence alleged to have been committed more than six months before such complaint is made.

CHAPTER VII.

Supplemental provisions.

[Ibid, s 12]

24 (1) Any person considering himself aggrieved by—

(a) an order made or purporting to be made by an Inspector in the exercise of any power conferred by this Act or by any rule made under this Act, or

(b) a refusal of an Inspector to pass an order which he is required or entitled by this Act or by any rule made under this Act to make,

may, within thirty days from the date when such order is served upon him or such refusal is communicated to him or occurs, appeal against such order or refusal to such authority as the Local Government may appoint in this behalf.

Explanation —The omission by an Inspector to pass an order within fifteen days on an application duly made under this Act, shall, except where otherwise provided in this Act, be deemed to be a refusal within the meaning of this sub-section.

(2) *The appellate authority appointed under sub-section (1) shall be deemed to be a public servant within the meaning of the Indian Penal Code and may, if he thinks fit, summon to his assistance two assessors to aid him in hearing the appeals, and those assessors shall be bound to attend and assist in such manner and on condition of their receiving such remuneration as the Local Government may by rule direct*

(3) *The appellate authority may confirm, modify or reverse any order of an Inspector made or purporting to be made under this Act, either unconditionally or subject to the payment of any prescribed fee or to any other condition that he may deem necessary, or may himself pass any order that the Inspector could have passed, or make an order requiring any act to be done or forbore by the Inspector.*

(4) *If the order of the Inspector is confirmed and the appeal dismissed, the appellate authority may award costs in favour of Government not exceeding one hundred rupees, and such costs shall, on production of a certificate signed by him recording the amount so awarded, be recoverable from the appellant as a fine by any magistrate having jurisdiction in the place where the boiler or prime mover is situated.*

(5) *Except as provided by this section no order made under this Act or refusal to pass an order by an Inspector shall be called in question.*

(6) *An order of an appellate authority under the section shall be final and shall not be called in question in any court.*

Application to Crown boilers and prime movers 25 *This Act shall apply to boilers and prime movers belonging to the Crown.*

[Act XII of 1911, s. 54.]

Protection to persons acting under the Act 26 *No suit, prosecution or other legal proceeding shall lie against any person for anything which in good faith is done or intended to be done under this Act.*

[Ibid, s. 55.]

27 *Nothing in this Act shall apply to any boiler or prime mover used on a railway or on board a steam vessel.*

[U. P. Act I of 1899, s. 1]

Repeal 28. *The United Provinces Steam Boilers and Prime Movers Act, 1899, is hereby repealed.*

[New]

Provided that all appointments made and all certificates given under the said Act shall be deemed to have been made or given under this Act.

Extension of Act to combustion engines 29. *The Local Government may, by notification in the gazette, extend to combustion engines or to any class or description of combustion engines all or any of the provisions of this Act or of rules made under this Act, and may declare the extension to be subject to such restrictions and modifications as it thinks fit.*

[New]

Form of licence

[illegible]

This licence is granted subject to the following conditions —

- I.—No structural alteration or renewal shall be made to this boiler (or prime mover) otherwise than in accordance with the provisions of section 14 of the aforesaid Act, 191 .
- II.—This boiler (or prime mover) shall not be used otherwise than in a condition which the owner in good faith believes to be compatible with safe working.
- III.—Except as otherwise provided by any rule made under the said Act, this boiler (or prime mover) shall remain in charge of an engineer (or engineer or engine-driver) holding a certificate of competency granted under rules made by the Local Government in this behalf

A. B.,
Inspector.

STATEMENT OF OBJECTS AND REASONS

THE object of this Bill is to remedy defects existing in the United Provinces Steam Boilers and Prime Movers Act, 1899. Experience has shown that it is necessary to provide, by a more stringent penalty than the possibility of confiscation of his licence, against a licensee subsequently to the acquisition of a licence, using his boiler either when in an unsafe condition or otherwise than in charge of a competent engineer. It has also been thought necessary to central the power to make structural alterations, or repairs, in licensed boilers and prime movers and to provide for a report being made of any serious accident. The provision whereby under the existing Act licences may be granted on a report of the engineer in lieu of examination by the inspector has been repealed, as there appears no longer to be any necessity for continuing this anomaly. The existing Act has also been redrafted so as to correct various imperfections, and to reproduce in those parts of the Act which are in pari materia with certain parts of the Indian Factories Act, 1911, the arrangement and language of such corresponding parts. A clause has been added to the Bill making provision for the extension by the Local Government of its provisions, wholly or in part, to combustion engines.

W K PORTER,
Secretary, Legislative Council,
United Provinces.



Government Gazette,

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to
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may be filed as a separate
compilation

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PART VII

GOVT, UNITED PROVINCES

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR THE UNITED PROVINCES OF AGRA AND OUDH, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO 1909.

THE Council met at Government House, Naini Tal, at 11 a.m., on Monday, the 15th September, 1913

PRESENT

The Hon'ble SIR JAMES SCORGIE MESTON, K.C.S.I., Lieutenant-Governor,
presiding.

The Hon'ble RANA SIR SHEORAJ SINGH, K.C.I.E.

The Hon'ble MUNSHI MAHADEO PRASAD, M.A., LL.B.

The Hon'ble DR. SUNDAR LAL, RAI BAHADUR, B.A., LL.D., C.I.E.

The Hon'ble RAI SHANKAR SAHAI SAHIB.

The Hon'ble BABU BALAK RAM

The Hon'ble BABU BRUNANDAN PRASAD, M.A., LL.B.

The Hon'ble PANDIT MOTI LAL NEHRU

The Hon'ble RAI GOKUL PRASAD BAHADUR, M.A., LL.B.

The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH, K.C.I.E.

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN, B.A., LL.B.

The Hon'ble SAIYID RAZA ALI, B.A., LL.B.

The Hon'ble SHAIKH SHAHID HUSAIN, B.A., LL.B.

The Hon'ble BABU MOTI CHAND.

QUESTIONS AND ANSWERS

[Mr. O'Donnell, Rana Sir Sheoraj Singh]

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR.

The Hon'ble MR H LEDGARD

The Hon'ble MR G A TWEEDY, ICS

The Hon'ble MR F W BROWNING, ICS.

The Hon'ble MR R BURN, ICS

The Hon'ble MR. A W PIM, ICS

The Hon'ble MR C H HUTTON

The Hon'ble MR W. G. WOOD

The Hon'ble COLONEL C Q MANIFOLD, I M S

The Hon'ble LIEUTENANT-COLONEL C MACIAGGART, C I E., I M S

The Hon'ble MR D M STRAIGHT

The Hon'ble MR H R C HAILEY, ICS

The Hon'ble MR. E H ASHWORTH, ICS

The Hon'ble CHAUDHRI MAHARAJ SINGH, RAI BAHADUR.

The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR.

The Hon'ble KUNWAR ADITYA NARAYAN SINGH

The Hon'ble MR F MACKINNON

The Hon'ble DR. TEJ BAHADUR SAPRU, M A, LL D

The Hon'ble LALA SUKHSIR SINGH

The Hon'ble RAI NATHU MAL BAHADUR, C I E

The Hon'ble MR W H CORB, ICS

The Hon'ble MR H W PIKE, ICS

The Hon'ble DR A VENIS, M A, D. LITT, C I E

The Hon'ble MR S P O'DONNELL, ICS.

NEW MEMBER

The Hon'ble Mr S. P. O'Donnell took the affirmation of allegiance to the Crown prescribed by Regulation VII of the Regulations of the Governor General in Council for the nomination and election of Members of the Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh, and thereafter took his seat in Council

QUESTIONS AND ANSWERS

1 The Hon'ble RANA SIR SHEORAJ SINGH asked —

"Will the Government be pleased to increase the number of scholarships available for students who cannot afford a university course, and empower principals of colleges to grant them?"

The Hon'ble MR. O'DONNELL replied. —

"It is understood that the reference is to scholarships specially reserved for poor students. At present all government scholarships are awarded on the results of University and other public examinations without reference to the social circumstances of the competitors. No change in this procedure is contemplated. The provision of special university scholarships for poor students, whilst an object which may fittingly enlist the generosity of private persons, would not, in the Lieutenant-Governor's opinion, be a legitimate charge on the limited resources of the Government."

2 The Hon'ble RANA SIR SHEORAJ SINGH asked —

"In view of the fact that the post of the head master of a government high school is a responsible one and is in no way inferior to that of an assistant inspector in the Education Department, will the Government be pleased to include all the head masters of the government high schools drawing less than Rs 400 per mensem in the Provincial Service?"

Scholarships for poor students

Promotion of head Provincial

QUESTIONS AND ANSWERS.

[Mr O'Donnell, Rana Sir Sheoraj Singh, Mr Burn, Khwaja Ghulam-us-Saqlain.]

The Hon'ble MR O'DONNELL replied —

"The honourable member is referred to the reply given to a question on the subject by the Hon'ble Babu Ganga Prasad Varma at the Council meeting held on the 12th March, 1910. As the constitution of certain branches of the Educational Service will be considered by the Royal Commission next cold weather, the Government does not consider the present a suitable time for reopening the question."

3 The Hon'ble RANA SIR SHEORAJ SINGH asked —

"Will the Government be pleased to state the number of deputy superintendents of police, first grade, sanctioned for these provinces, and also whether any of these posts are vacant? If so, why?"

First grade deputy superintendents of police

The Hon'ble MR BURN replied —

"The honourable member is referred to the answer given in reply to a similar question asked by the Hon'ble Raja Kushalpal Singh on March the 13th, 1912."

4 The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"(a) Is the Government aware that so far back as in 1881 the full Bench of the Allahabad High Court had expressed itself in connection with section 2 of the Usury Laws Repeal (Act XXVIII of 1855) (vide *Indian Law Reports*, 3 All., page 260) in the following terms —

Usury

'If the terms of the section were strictly applied, it would be impossible to say to what extravagant and extortionate extent the most usurious claim under the name of interest might not be carried. In a country like India, where there is much borrowing by the ignorant lower classes, who as much require to be protected against themselves as against money-lenders, a too literal application of the above provision could only be productive of oppression and injustice of the most grievous kind.'

"(b) Is the Government aware that since 1855 there has been no legislation to protect the borrowers in these provinces from the operation of Act XXVIII of 1855, and that the Judicature has become recently very stiff in applying the Usury Laws Repeal and Contract Acts against borrowers and mortgagors?"

"(c) Is it a fact that on or about 14th April 1913 a suit was pending in the court of small causes, Lucknow, in which a Pathan sued an Anglo-Indian lady for a debt at the rate of 2 annas per rupee per month or Rs 150 per cent per annum?"

"(d) Can this Council, after obtaining sanction of the Government of India, pass any bill into law for the protection of the borrowers, and if otherwise, is this Council empowered by means of a resolution to recommend a draft bill to the Imperial Government for the purpose of legislation?"

The Hon'ble MR O'DONNELL replied. —

"(a) The passage in the judgement referred to is substantially as stated by the honourable member.

"(b) The Government is advised that the statement in the first part of the question is incorrect. The honourable member is referred to Act VI of 1899, amending the Indian Contract Act of 1872.

As regards the second part of the question, the Government understands that as the result of certain decisions of Their Lordships of the Privy Council the courts in India find themselves restricted to the provisions of the Contract Act in modifying contracts in favour of debtors.

"(c) The Government is informed that there was such a case as that referred to by the honourable member.

"(d) The powers of this Council in matters of legislation are defined in the Indian Councils Acts, 1861, 1892 and 1909, and the procedure is further described in the rules for the conduct of business. Rules have also been framed under

QUESTIONS AND ANSWERS.

[*Khwaja Ghulam-us-Saqlain, Mr. Tweedy, Mr. O'Donnell*]

section 5 of the Indian Councils Act, 1909, for the discussion of matters of public interest. Copies of the Acts and rules referred to have been supplied to the honourable member."

5 The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

Relief of zamindari
estates

"(a) Has the attention of the Government been drawn to a letter signed by 'Zamindar' that appeared in the *Indian Daily Telegraph* of the 26th March, 1913?"

"(b) How many non-taluqdari estates as compared to the taluqdari estates have been taken under the management of the Court of Wards in Oudh since the passing of the Court of Wards Act of 1912?"

Is it a fact that the zamindari estates are much more numerous than the taluqdari estates?"

"(c) If the complaints mentioned in the aforementioned letter be true, would the Government be pleased to order that steps should be taken to relieve the zamindari estates in Oudh as well as in the Agia province by means of the Court of Wards?"

The Hon'ble MR. TWEEDY replied —

"(a) The Lieutenant-Governor has seen a copy of the letter in question.

"(b) Superintendence of four estates in Oudh has been assumed since the Court of Wards Act, 1912, came into force. In two cases the proprietors were disqualified under section 8(1)(d), and in two cases the Court of Wards made declarations under section 10. All the estates were taluqdari.

"Zamindari properties are more numerous than taluqdari estates, but their aggregate land revenue is less. It is estimated that taluqdars pay about a crore of land revenue out of a total assessment of 1½ crores in Oudh.

"(c) Only one representation has been received since the 1st June, 1912, regarding a zamindari property in Oudh. It was a small estate, and action under section 9 of the Courts of Wards Act was not considered advisable.

"The Lieutenant-Governor is unable to issue general orders of the nature indicated by the honourable member. The policy of the Government is not to employ indiscriminately the powers conferred by section 8(1)(d) of the Act, particularly in the case of small and unimportant estates. The owners of such properties are at liberty to ask for assistance under section 10 of the Act, and each case will be considered on its merits."

6. The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

Smoking amongst boys

"(a) Has it been brought to the notice of the Government that young boys are becoming much addicted to smoking, particularly cigarette-smoking?"

"(b) Would the Government be pleased to issue a circular through the department of Education to all the school masters of state, aided or recognized schools to use their moral influence to dissuade the students from taking to this injurious habit?"

The Hon'ble MR. O'DONNELL replied —

"(a) Government is aware that the habit referred to is undesirably prevalent among schoolboys.

"(b) A circular on the lines suggested was issued last February by the Director of Public Instruction. A copy is laid on the table."

(See Appendix I)

7. The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

Extension of municipal
jurisdiction as to build-
ings

"(a) Is it a fact that the Allahabad municipality prosecuted certain persons for disobeying its orders regarding certain constructions not adjacent to the public street or that did not abut upon a public place?"

QUESTIONS AND ANSWERS

[Mr. Pim, Khwaja Ghulam-us-Saqlain, Mr O'Donnell, Mr. Burn, Mr. Straight.]

- "(b) Is it a fact, as reported in the *Leader* of the 8th May, 1913, that the orders were held to be illegal by the magistrate ?
- "(c) Is the Government aware that other municipalities, including that of Meerut, have also extended their jurisdiction to houses and portions of buildings not situated on the public roads ?
- "(d) Is such action in pursuance of any government order or circular ?
- "(e) Are the municipalities empowered to enhance the powers granted to them under the Municipal Act, and if not, does the Government propose to afford some remedy to the public against their unauthorized acts ? "

The Hon'ble MR. PIM replied —

"(a) and (b) It is a fact that the Allahabad municipality prosecuted two persons for disobeying its orders with reference to certain constructions, and that they were acquitted by the magistrates on the ground that the constructions did not abut on a public place as required by section 87(1)(a) of the Municipal Act. One of the cases is before the High Court on revision.

"(c) and (d) The Government is aware that certain towns, including Meerut, have, in accordance with a recommendation of the Sanitary Conference, framed rules under section 128(b) of the Municipal Act for the purpose of obtaining control over all buildings in the whole or in a part of the municipal area.

"(e) The answer is in the negative."

8 The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked :—

"Has the Government decided, in connection with the Greeven scheme, to transfer the Kairana munsifship to Muzaffarnagar (or to Shamli), and, if so, from what time would such transfer take effect ? "

Transfer of Kairana
Munsifi

The Hon'ble MR. O'DONNELL replied —

"There is no question of transferring the munsifi at present at Kairana to Muzaffarnagar, but the Government understands that the High Court is considering the advisability of transferring it to Shamli. A report on the subject is awaited."

9 The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked :—

"Has the Government decided about the matter of the Friday prayers, in connection with which I had put question no. 6 in the meeting of the 22nd January, 1913, and which was then under consideration ? "

Facilities for Government
employees to attend
Friday prayers

The Hon'ble MR. BURN replied :—

"The honourable member is referred to the resolution of this Government, no. 867/III—572, dated the 19th May, 1913, published in the *United Provinces Government Gazette* of the 24th May, 1913."

10 The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked :—

"Has the experiment of the Urdu shorthand writing instruction to the police in the Reid Christian College proved a success, and would the Government establish a permanent shorthand class in the Police Training School, Moradabad, instead of sending the sub-inspectors with extra scholarships or pay to Lucknow ? "

Training of police sub-
inspectors in shorthand

The Hon'ble MR. STRAIGHT replied :—

"The experiment of instructing sub-inspectors of the civil police in shorthand writing at the Reid Christian College has undoubtedly proved a success. The number who have so far been trained is forty-six, and there are fourteen sub-inspectors, comprising a fifth batch, under training. In view of the fact that when the last batch have qualified there will be a sufficient number of shorthand writers for the present requirements of the department, the Lieutenant-Governor has decided that this will be the last batch to be deputed by Government for instruction at

QUESTIONS AND ANSWERS

[*Pandit Moti Lal Nehru, Mr. Pim, Khwaja Ghulam-us-Saqlain, Mr. Burn.*]

the Reid Christian College, and that should it subsequently be necessary to train more men, arrangements will be made to do this at the Moradalad Training School through one or more of the trained sub-inspectors."

11. The Hon'ble PANDIT MOTI LAL NEHRU asked —

Trenching night soil in Etawah

"Has the Government received a memorial signed by a large number of Hindu and Muhammadan residents of Etawah protesting against the proposed use of certain land in close proximity to dwelling houses, mosques, temples and wells for the purpose of trenching night soil? If so, will the Government be pleased to state what steps it proposes to take in the matter?"

The Hon'ble Mr. PIM replied —

"The site in question has been inspected by the Sanitary Commissioner, who is of opinion that the proposed site may be used for the present for trenching purposes under careful supervision. The matter will continue to receive attention."

12. The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

Government establishments under Pike scheme

"With reference to the increased budget allotment of Rs 6,25,000 mentioned on page 10 of the Financial Statement of 1913-14 to give effect to the Pike scheme for enhancement of pay of the establishments in this province, would the Government be pleased to state from what date the increased pay is sanctioned, what would be the minimum pay according to the new arrangement, and to what extent the scheme is to be given effect to this year?"

The Hon'ble Mr. BURN replied —

"The Accountant-General has ruled that all the proposals made by the Pike Committee must be treated together as one scheme. It will therefore not be feasible in the ordinary course to give effect to any one part of the scheme until all the proposals have been considered and submitted to the Government of India for sanction. Certain proposals, however, which appear to be of special urgency have been sent to the Government of India in advance, and it may perhaps be possible to bring these proposals into effect during the present year. But no definite information can be given on this point until the orders of the Government of India are received."

"As regards minimum pay, this will vary from office to office and cannot be definitely stated until the details of all offices have been settled."

13. The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked:—

Restrictions on interest allowable under certain decrees

"(a) Is it a fact that the Governor General by Regulation no. III of 1877 (published in the *Government of India Gazette* of 31d November 1877, part I) enacted under the powers granted by Statute 33, Victoria, chapter 3, has provided for the Ajmer province that any decree for interest prior to the date of the suit shall not exceed the amount of the principal sum received by the defendant, and is it a fact that the Regulation extends to all classes and creeds?"

"(b) Would the Government be pleased to state after inquiry whether the law mentioned in paragraph (a) has worked successfully or whether it has caused any inconvenience to the general public, and whether there was any general complaint made by the commercial and banking classes against the said law?"

"(c) What were the circumstances that necessitated the promulgation of a Regulation in Ajmer contrary to Act XXVIII of 1855 and to the Contract Act?"

"(d) Has it been brought to the notice of the Government that the Judicial Commissioner of Sind* has ruled that where parties are Hindus the Transfer of Property Act does not affect the rule of *damdapat* even in mortgage cases, and that the same has been the rule in Bombay †?"

* Vide *Indian Cases*, Vol. XVI, page 824

† *Indian Law Reports*, 95 Bombay, page 199.

QUESTIONS AND ANSWERS.

[Mr O'Donnell, Lala Sukhbir Singh]

- "(e) Would the Government be pleased to inquire whether the rule of law as to interest mentioned in paragraph (d) of this question has caused any serious inconvenience to the public or the large body of Hindu merchants and bankers in the Bombay presidency, and has there been any agitation on behalf of the bankers to set aside the rule of *damdupat* ?
- "(f) Did the Government ever receive any representation of the zamindars of these provinces against a provision in section 34 (a) of the old Rent Act (XII of 1881) and section 101 of the Agra Tenancy Act, II of 1901, by which, notwithstanding anything contained in the *gabulata* or *pattas* of the tenants and zamindars, the revenue courts can only decree interest on arrears of rent at the rate of 12 per cent per annum ?
- "(g) Would the Government be pleased to state what were the circumstances that led to this provision as regards interest, and, in view of the fact that there is absolutely no limit to the interest granted to the money-lenders, would the Government be prepared to remove this restriction in favour of the tenants, or grant the tenants the same privilege as to other contracts ?"

The Hon'ble MR. O'DONNELL replied —

- "(a) The answer is in the affirmative
- "(b) The Government has made inquiries, but they are not complete as yet.
- "(c) The answer is the same as in the case of (b).
- "(d) The Government is advised that the rulings of the Bombay High Court are as stated. It has no information as to the rulings of the Judicial Commissioner of Sind
- "(e) The answer is the same as in the case of (b)
- "(f) It has not been found possible to trace the representation referred to by the honourable member
- "(g) The provision was in accord with the general policy of Government to afford reasonable protection to tenants, and the Local Government has no intention of withdrawing it. Its extension, on the other hand, to other contracts could only be considered as part of a wider scheme for the regulation of decreed interest."

14. The Hon'ble LALA SUKHBIR SINGH asked —

"Will the Government be pleased to state what was the total number of cattle in these provinces when the last census was taken of them, and also the total number of cattle annually slaughtered within the different municipal and cantonment limits during the last ten years, showing, as far as possible the number of calves and grown-up cattle of different kind, such as cows, buffaloes (male and female), bullocks, and others ?"

The Hon'ble MR. PIM replied —

"(1) No returns are available showing the total number of cattle in these provinces.

"The quinquennial return of agricultural stock for the year 1908-9 gives the following figures —

| | | | | | | |
|--------------------|----|----|----|----|----|------------|
| Bulls and bullocks | .. | . | .. | .. | . | 10,184,812 |
| Cows | .. | .. | . | . | . | 6,282,648 |
| Male buffaloes | .. | .. | . | . | .. | 671,682 |
| Female buffaloes | .. | .. | .. | .. | . | 3,474,901 |
| Young stock | . | .. | .. | .. | . | 8,998,608 |

"(2) No information is available as to the number of cattle slaughtered annually in each municipality and cantonment during the last ten years."

Number of cattle
slaughtered annually
within municipal and
cantonment limits,

QUESTIONS AND ANSWERS.

[*Lala Sukhbir Singh, Mr. Pim, Mr. Burn*]

15 The Hon'ble LALA SUKHBIR SINGH asked —

Cattle slaughtered for
Burma dried meat
trade

"Will the Government be pleased to make a thorough inquiry and state the places where cattle are now slaughtered for the purpose of the Burma dried meat trade and the number and kind of cattle slaughtered at each place?"

The Hon'ble Mr. PIM replied —

"A statement showing the places and the number of cattle slaughtered for the Burma dried meat trade is laid on the table. Full details are not available as to the kind of cattle slaughtered, but in most cases they are reported to have been buffaloes."

(See Appendix II)

16. The Hon'ble LALA SUKHBIR SINGH asked —

Fresh census of cattle on
improved lines,

"Will the Government be pleased to order a fresh census of cattle to be taken on the improved lines recently adopted by the Madras Government?"

The Hon'ble Mr. BURN replied —

"A census of cattle is taken in these provinces every five years. A copy of the rules approved for the census to be taken in January, 1914, is placed on the table. It has been ascertained that in Madras the census is taken by the village accountant in a prescribed form, but that no detailed rules have been issued."

(See Appendix III)

17 The Hon'ble LALA SUKHBIR SINGH asked —

Record of age of cattle
passed for slaughter

"Will the Government be pleased to state whether the approximate age of cattle passed for slaughter in municipal and commissionariat limits is recorded, and if not, will the Government be pleased to order that their age be recorded in future?"

The Hon'ble Mr. PIM replied.—

"The age of cattle is not recorded, and Government does not see that any useful purpose would be served by issuing instructions in the sense suggested by the honourable member."

18. The Hon'ble LALA SUKHBIR SINGH asked:—

Rise of price of milk and
ghr

"Will the Government be pleased to state if it is aware that great hardship is being felt by the people owing to the scarcity and the rise in prices of milk and *ghr*, and that it is seriously affecting the health of the people, particularly of children and of school-going population? In view of this gravity of the question will the Government be pleased to order an inquiry into the matter and adopt remedial measures?"

The Hon'ble Mr. BURN replied —

"Government is aware that the price of *ghr* has risen largely of recent years. The price of milk has also risen, but not disproportionately to the general rise of prices, which has affected nearly all commodities. It is not believed that this rise in price is sufficient to affect the health of the population in general or of the school-going class in particular. An exhaustive inquiry into the question of milk-supply was made at the Lucknow Conference of 1909, and Government is now giving effect to several resolutions passed at that conference with a view to improving the breed and increasing the number of cattle in this province. No further action or inquiry is contemplated at present."

19 The Hon'ble LALA SUKHBIR SINGH asked.—

Grazing land for cattle

"Is the Government aware that, owing to the scarcity of grazing land and the high prices of fodder, it is becoming very difficult for the people to keep cows and she-buffaloes? Will the Government be pleased to take adequate and effective steps to ensure that sufficient grazing lands should be available to people in every district and town?"

QUESTIONS AND ANSWERS.

[Mr Burn, Lala Sukhbir Singh, Mr Wood, Munshi Mahadeo Prasad, Mr O'Donnell]

The Hon'ble MR BURN replied —

"Government is aware that grazing facilities have diminished of recent years, and measures are being taken to preserve those grazing areas which remain. Considerable remissions of revenue have been sanctioned in the Kheria and Bahraich districts to landowners who consented to keep their estates open to grazing. A conference has recently been held at Etawah to consider the development of the Jumna ravines for grazing purposes. Government will continue to do what it can in this matter without undue interference with the ordinary economic laws."

20 The Hon'ble LALA SUKHBIR SINGH asked.—

"Will the Government be pleased to lay on the table of this Council the correspondence between the Government of India and this Government which led to the abolition of a competitive examination for deputy collectorships which had been introduced by Sir A. P. Macdonnell's Government?"

Abolition of competitive examination for deputy collectorships.

The Hon'ble MR BURN replied —

"The Lieutenant-Governor is not prepared to publish the correspondence asked for."

21 The Hon'ble LALA SUKHBIR SINGH asked —

"Will the Government be pleased to recommend to the Oudh and Rohilkhand Railway to build a platform and a goods-shed and a well at Rikhikesh Road station?"

Platform and goods shed at Rikhikesh Road station.

The Hon'ble MR WOOD replied —

"The Oudh and Rohilkhand Railway are gradually raising all low and rail level platforms on the line. The Agent considers that, in view of many more important works required for the Haidwar-Dehra Railway, the Administration would not be justified in pressing the Managing Agents of the railway to build a platform at the Rikhikesh Road station."

"The conditions of traffic at present would not justify the construction of a goods-shed. It is understood that a well will be provided shortly."

22 The Hon'ble LALA SUKHBIR SINGH asked —

"Is the Government aware that the assessment of revenue at the last settlement in the Muttra district was very heavy, and that it has generally impoverished many zamindars of that district? Will the Government be pleased to state whether it is a fact that many revenue officers of Government have during the period of settlement recommended a material reduction of the assessment? Is the Government aware that the zamindars of the Muttra district have been looking forward with great eagerness to a revision of that settlement, and will it be pleased to state when such a revision will be taken in hand?"

Reduction of assessment of revenue in the Muttra district.

The Hon'ble MR BURN replied —

"The assessment of revenue made in the Muttra district in 1876 was, in the opinion of the Lieutenant-Governor, a full one. Reductions aggregating over one and a half lakhs a year were made in 1836-7, 1889, 1891, 1892, 1901, and 1912, the last amounting to Rs 56,000. The term of the settlement has been extended from time to time and the current extension will expire in 1920-23. In view of the recent careful inquiry into the conditions of the district and the substantial reductions made, His Honour considers that no revision is required till the expiration of the period named."

23 The Hon'ble MUNSHI MAHADEO PRASAD asked.—

"Will the Government be pleased to state if the statement regarding the number of boys rusticated in recognized English schools, furnished in the meeting of the Council of the 14th of April last in answer to my question, includes the number of boys rusticated by head masters under rule 84 of the Education Code?"

Rustication of boys in recognized English schools.

The Hon'ble MR O'DONNELL replied.—

"The reply is in the negative for all divisions except Gorakhpur."

QUESTIONS AND ANSWERS

[Munshi Mahadeo Prasad, Mr. O'Donnell]

Rustication of boys in
European schools

24. The Hon'ble MUNSHI MAHADEO PRASAD asked —
“Will the Government be pleased to furnish a statement of the number, causes and periods of rustication of boys in European schools in these provinces during the last four years?”

The Hon'ble MR. O'DONNELL replied —

“The Inspector of European schools states that during the last four years no cases of rustication have been reported to him.”

Rustication in Govern-
ment and private
schools.

25. The Hon'ble MUNSHI MAHADEO PRASAD asked —
“Will the Government be pleased to state if the number of rustications during the last four years was higher in government schools or private institutions?”

The Hon'ble MR. O'DONNELL replied —

“The number of rustications in government schools during the last four years exceeded those in aided and recognized schools by three.”

Rustications in the Agra
division.

26. The Hon'ble MUNSHI MAHADEO PRASAD asked —
“Will the Government be pleased to state why the number of rustications in the Agra division has been comparatively higher almost every year?”

The Hon'ble MR. O'DONNELL replied —

“Including rustications by head masters the numbers for the last four years are 12, 19, 17 and 34. The variations in the first three years are slight. The large figure in the fourth year is due to the rustication of 16 boys from one aided institution for making false entries on the admission forms, and does not point to any general increase in the use of rustication as a punishment.”

Aids given to schools
having school-leaving
classes and those
having Matriculation
classes.

27. The Hon'ble MUNSHI MAHADEO PRASAD asked —
“Will the Government be pleased to state what amount was given last year to schools recognized for the school-leaving certificate examination, and also to those that prepare for the matriculation examination with reasons for preferential treatment in either case?”

The Hon'ble MR. O'DONNELL replied —

“The following amounts were given as special grants to schools recognized for the school-leaving certificate and also to schools recognized for the matriculation —

Non-recurring.

| | | | | Rs |
|------------------------------------|----|----|----|----------|
| School-leaving certificate schools | . | .. | .. | 2,04,147 |
| Matriculation schools | .. | .. | .. | 2,00,808 |

Recurring

| | | | | |
|------------------------------------|----|----|----|--------|
| School-leaving certificate schools | .. | . | .. | 18,822 |
| Matriculation schools | .. | .. | .. | 28,024 |

“There are fifty school-leaving certificate schools and sixty-seven matriculation schools. From the above figures it will be seen that the school-leaving certificate schools received more from non-recurring grants and matriculation schools more from recurring grants. Except for the Government of India's special grant of Rs. 1,50,000 given for the purpose of equipping certificate classes properly for science practical work, manual training and commerce, which are special features of the certificate examination, no preferential treatment has been shown to any class of school.”

28. The Hon'ble MUNSHI MAHADEO PRASAD asked —

Disbursement of salaries
of inspecting officers

“Is the Government aware that district inspecting officers in the Subordinate Educational Service are put to inconvenience owing to delay caused in the disbursement of their salaries, and will the Government be pleased to adopt means to remove this inconvenience?”

QUESTIONS AND ANSWERS

[Mr O'Donnell, Munshi Mahadeo Prasad]

The Hon'ble MR O'DONNELL replied —

"No complaints have been received of any delay in the disbursement of salaries to district inspecting officers, but an inquiry will be made and steps will be taken to remove any inconvenience that may exist."

29 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state for what purpose the Rural Education Committee was formed, and what purpose it has served hitherto?"

Object of the Rural Education Committee

The Hon'ble MR O'DONNELL replied —

"As regards the first part of his question the honourable member is referred to resolution no 396/XV—116-1910 of the 7th May 1910, which contains the information he asks for. In respect of the second part the reply is that the Committee has made certain recommendations, but no orders have been passed on them pending consideration of the report of the Primary Education Committee."

30 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state why the authority for opening special classes in English schools has been transferred from the inspectors to the Director of Public Instruction?"

Opening of special classes by the Director of Public Instruction instead of by inspectors.

"Will the Government be pleased to consider the advisability of reverting to the original practice as above indicated?"

The Hon'ble MR O'DONNELL replied —

"It had been found that special classes were in some cases being opened without full consideration of future requirements, and that the higher classes were in consequence becoming much overcrowded. It was therefore decided, with the full approval of the inspectors, to transfer the authority to the Director of Public Instruction as a check on indiscriminate 'recognition'."

"Government sees no reason to revert to the original practice."

31. The Hon'ble MUNSHI MAHADEO PRASAD asked :—

"Does the Government contemplate increasing the number of female normal schools? If so, where will the new schools be located?"

Female normal schools

The Hon'ble MR O'DONNELL replied :—

"(1) The answer to the first part of the question is in the affirmative."

"(2) The matter is under consideration."

The Hon'ble MUNSHI MAHADEO PRASAD asked :—

"(a) Will the Government be pleased to state if any Government English schools are exempt from the rule relating to school committees of the Educational Code?"

School committees in Government English schools

"(b) Will the Government also state reasons of such exemption?"

"(c) Will the Government be pleased to state when and with what objects the school committees were established and how far those objects have been accomplished?"

32. The Hon'ble MR O'DONNELL replied :—

"(a) The following four schools are exempt from the rules relating to school committees under paragraph 126 of the Code :—

- (1) Queen's Collegiate School, Benares.
- (2) Government High School, Allahabad
- (3) Jubilee High School, Lucknow.
- (4) Husainabad High School, Lucknow.

"(b) The reasons for this exemption are as follows :—

The Queen's Collegiate School, Benares, has had a long and very close connection with the Queen's College and is under the direct management of the Principal. It was not thought advisable to disturb the existing arrangements.

QUESTIONS AND ANSWERS.

[Munshi Mahadeo Prasad, Mr. O'Donnell]

The Government High School, Allahabad, and the Jubilee High School, Lucknow, are practising schools for the training colleges. It was considered doubtful whether the intervention of committees would serve any useful purpose in institutions in which it was essential that full scope should be allowed for educational experiments.

The Husainabad High School, Lucknow, was taken over by Government under exceptional circumstances. It was founded by the Husainabad Trust to provide education for Muhammadans. It was considered undesirable to take any steps which would alter its status and convert it into an ordinary English school.

"(c) For the third part of his question the honourable member is referred to the preliminary chapter of the last quinquennial report. The situation has not altered since the report was written."

33 The Hon'ble MUNSHI MAHADEO PRASAD asked.—

"(a) Will the Government be pleased to state in what colleges, state and private, biology is taught up to the Intermediate and Degree standards respectively under the Allahabad University?"

"(b) Will the Government be also pleased to ascertain and state the initial cost of opening biology classes for the Intermediate standard and the recurring charges in maintaining the same in each of the said colleges?"

"(c) Will the Government be pleased to state the reason why biology classes have not been opened in Queen's College, Benares, even up to the Intermediate standard?"

"(d) Will the Government be pleased to state if it has in contemplation the opening of biology classes up to the Intermediate standard at least in Queen's College, Benares, in the near future?"

The Hon'ble MR. O'DONNELL replied.—

"(a) and (b) Statements giving the information asked for are laid on the table.

"(c) and (d). Excellent provision for the teaching of biology has been made at the Government College, Allahabad, and at a number of aided colleges, and the Government does not consider the opening of biology classes at Benares to be either necessary or desirable."

(See Appendix IV.)

34. The Hon'ble MUNSHI MAHADEO PRASAD asked.—

"Will the Government be pleased to state why college classes are limited to only a few subjects in Queen's College, Benares? Is it not due to the fact that the college staff is insufficient?"

The Hon'ble MR. O'DONNELL replied.—

"The subjects taught in Queen's College in addition to English are the following:—

| | | |
|--------------------|-----|--|
| For B.A. degree .. | ... | { (a) Mathematics, (b) Classical Languages of India, (c) Ancient History of India and (d) Philosophy |
| For B. Sc. degree | ... | Mathematics, Physics, and Chemistry. |
| For M.A. degree | .. | Sanskrit |
| For M. Sc. degree | .. | Mathematics. |

"In the opinion of the Government there is no reason to believe the staff to be insufficient."

35 The Hon'ble MUNSHI MAHADEO PRASAD asked:—

"(a) Will the Government be pleased to state why in spite of the fact that the Allahabad University was established so long ago, no faculty of Engineering has yet been established?"

Biology classes in state and private colleges

Limited number of subjects taught in the Queen's College, Benares

Faculty of Engineering in the Allahabad University.

QUESTIONS AND ANSWERS

[Mr. Pim, Munshi Mahadeo Prasad, Mr. O'Donnell, Lala Sukhbir Singh,
Dr. Venis]

"(b) Will the Government also state why the Thomason Engineering College, Roorkee, has not yet been affiliated to the Allahabad University, and why has it been allowed to remain an independent institution?"

The Hon'ble Mr PIM replied —

"(a) A Faculty of Engineering was established in 1894, but lapsed in 1905

"(b) The Thomason Engineering College, Roorkee, was affiliated in 1894, but the affiliation lapsed in 1905. The whole question of the connection of technical education with the University is full of difficulty, and the Local Government cannot at present express any opinion regarding it."

36 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"(a) Is the Government aware that in several places there are no Government buildings for the head quarters of police circle inspectors?"

Government buildings
for police circle inspectors

"(b) Is the Government also aware that, owing to the absence of such buildings, the police circle inspectors have to stay in hired private houses, which are sometimes difficult to procure.

"(c) Would the Government be pleased to consider the advisability of erecting, where necessary, suitable buildings for the head quarters of police circle inspectors?"

The Hon'ble Mr. O'DONNELL replied —

"It is understood that the honourable member's question refers to the private residences of circle inspectors, as they are touring officers who do not have offices. It is true that circle inspectors have to make their own arrangements for houses, as free quarters are not allowed to officers above the rank of sub-inspectors and the Lieutenant-Governor does not propose to alter this rule."

37 The Hon'ble LALA SUKHBIR SINGH asked —

"Has the attention of the Government been drawn to the *Leader* of the 15th, 17th, 20th and 22nd July 1913, containing complaints from Meerut, Gorakhpur, Ghazipur, and other places about the refusal of admission of new and failed candidates in Government and aided schools?"

Admission of candidates
in Government and
aided schools

The Hon'ble Dr. VENIS replied —

"The Government has seen the newspaper letters and articles referred to. The statements made therein do not accurately represent the present situation. Efforts have been made to provide for candidates who desired help in securing admission, and the difficulties of accommodation at first experienced have by now been largely overcome."

38. The Hon'ble LALA SUKHBIR SINGH asked —

"In continuation of my question asked in the Council meeting of 7th February, 1910, and of the Hon'ble Babu Bijnandan Prasad asked in the Council meeting of the 23rd September, 1910, will the Government be pleased to state whether any figures have been kept since then of the boys who were refused admission in Government and aided schools, and if not, will the Government be pleased to order that such figures be kept in future?"

Boys refused admission
in Government and
aided schools

The Hon'ble Dr. VENIS replied —

"The answers to both parts of the question are in the negative. After careful consideration it was decided two years ago that the keeping of a register at each school of applicants who have not been admitted, would not only serve no useful purpose but would give rise to much misapprehension, owing to the probability that many names would be repeated in different registers."

39 The Hon'ble LALA SUKHBIR SINGH asked —

"Is the Government aware that a large number of boys are refused admission in schools every year, and is there any scheme under contemplation to provide for them?"

Provision for boys refused
admission.

QUESTIONS AND ANSWERS

[*Dr Venis, Lala Sukhbir Singh, Rai Gokul Prasad Bahadur, Mr. Wood, Mr. Pim*]

The Hon'ble DR VENIS replied —

"It is presumed that the honourable member refers to secondary schools. The Government believes that the accommodation in this class of schools does to some extent fall short of the demand. Measures for increasing this accommodation are under the consideration of Government."

40 The Hon'ble LALA SUKHBIR SINGH asked —

Failed students admitted into Government and aided schools

"Will the Government be pleased to state how many failed students have been admitted into Government and aided schools and how many of them have had to pay double fees during the last sessions and the current one?"

The Hon'ble DR VENIS replied —

"The number of failed students admitted into Government schools during the current year is 2,156, and the number admitted into aided schools is 3,870. It has not been possible to collect complete information for the last sessions."

"The number of students required to pay double fees is as follows —"

| | Government schools | Aided schools |
|----------------------|--------------------|---------------|
| For last sessions | 563 | 57 |
| For current sessions | 654 | 191 " |

41 The Hon'ble RAI GOKUL PRASAD BAHADUR asked —

Shed for third class passengers at Bhatni railway station

"With reference to the question put by the Hon'ble Munshi Narsingh Prasad in the Council meeting of the 7th February 1910, relating to the providing of a shed for third class passengers at the Bhatni railway station on the Bengal and North-Western Railway, will the Government be pleased to state what action has been taken in the matter?"

The Hon'ble MR WOOD replied —

"The construction of the waiting-shed is in progress, and it is hoped that it will be completed soon."

42. The Hon'ble RAI GOKUL PRASAD BAHADUR asked —

Land acquired by the Bengal and North-Western Railway

"(a) Is the Government aware that there are complaints from the districts which are traversed by the Bengal and North-Western Railway that more land is acquired by the railway company than is required for its purposes, the public thereby being the losers?"

"(b) Will the Government be pleased to say how much land has been acquired by the said railway company in the districts of Allahabad, Benares, Ghazipur, Ballia, Basti, Azamgarh and Gorakhpur in the seven years ending 1912-13?"

"(c) How much of the land so acquired has actually been put to use by the company for railway purposes, including in them erections for oil installations, warehouses, wharfs or other premises for storing goods, and shops for station vendors?"

The Hon'ble MR WOOD replied —

"(a) Government has not received any such complaints."

"(b) and (c) These statistics could not be collected without more clerical labour than the Lieutenant-Governor considers would be justifiable. If the honourable member will give me any specific instances of what he believes to be misuse of land, I will have inquiry made about it."

43 The Hon'ble RAI GOKUL PRASAD BAHADUR asked —

Revenue of municipalities in the Benares division, pay of municipal secretaries

"Will the Government be pleased to state—

(a) the revenue of the various municipalities in the Benares division, and

(b) the pay given to the secretaries in those municipalities?"

The Hon'ble MR PIM replied —

"(a) For the revenue of the municipalities the honourable member is referred to statement II appended to the annual report on the administration and finances of municipalities."

QUESTIONS AND ANSWERS

[*Rai Gokul Prasad Bahadur, Mr O'Donnell*]

- (b) It has been ascertained that the pay given to the secretaries of the municipalities in the Benares division is as follows —

| <i>Municipality</i> | <i>Monthly pay</i> |
|---------------------|---|
| Benares | Rs 800 to Rs 400 with a house allowance of Rs 60 per mensem |
| Mirzapur | „ 207 with a house allowance of Rs 35 per mensem |
| Jaunpur | „ 150—5—175 |
| Ghazipur | „ 100 |
| Ballia | „ 90—10—120 with a house allowance of Rs 10 per mensem |

“At Ballia the secretary also holds the post of secretary to the district board”

44 The Hon'ble RAI GOKUL PRASAD BAHADUR asked :—

“I—Is the Government aware—

- (a) that since the abolition of the courts of district judges from Mirzapur and Jaunpur all revenue appeals even of small value will have to be filed in the courts of the district judges of Allahabad and Benares respectively, and that as a result poor litigants would be the sufferers,

Abolition of courts of district judges from Mirzapur and Jaunpur.

- (b) that in the case of civil appeals from the decisions of the munsifs the district judge has power to transfer such appeals for decision to the subordinate judge and, with the sanction of the Local Government, can allow appeals from such decisions to be filed direct in the courts of such subordinate judges, but no such provision is to be found regarding rent and revenue appeals and even the rulings of the Allahabad High Court as to the power of a subordinate judge to try revenue appeals transferred to him by the district judge are conflicting,

- (c) that miscellaneous cases under the Guardians and Wards Act, the Succession Certificate Act, the Provincial Insolvency Act, the Curators Act, the Registration Act, and the Probate and Letters of Administration Act will also have to be filed in the courts of the district judges of Allahabad and Benares, entailing unnecessary and larger expenses on the litigants?

“II—In view of the facts mentioned in the preceding question, will the Government be pleased to consider the advisability of undertaking special legislation to obviate the widespread hardship which must otherwise ensue?

The Hon'ble MR O'DONNELL replied —

“I—(a) The Government is advised that rent appeals triable by a civil court from the Mirzapur and Jaunpur districts have, under present arrangements, to be filed in the courts of the district judges of Allahabad and Benares

(b) The Government is advised that it is only in exceptional circumstances that subordinate judges can hear rent appeals.

(c) Cases under the Guardians and Wards Act and the Curators Act must be disposed of by district judges. Cases under the Succession Certificate, Provincial Insolvency, and the Probate and Letters of Administration Act can be heard by subordinate judges if specially empowered. The advisability of empowering the sessions and subordinate judges of Mirzapur and Jaunpur under these Acts is under consideration. Cases under the Registration Act are dealt with by district registrars and not district judges. Sessions and subordinate judges have been appointed district registrars.

“II.—The Government does not consider that special legislation is called for, but proposes, in consultation with the Hon'ble High Court, to go into the question whether any measures in addition to those mentioned above are possible to alleviate such inconvenience as may be experienced by the people of the Mirzapur and Jaunpur districts”

QUESTIONS AND ANSWERS.

[*Rai Gokul Prasad Bahadur, Mr O'Donnell, Mr Wood, Raja Kushalpal Singh, Mr Burn, Mr Brownrigg*]

Plague in Ghazipur,
Ballia, and Azamgarh
districts

45. The Hon'ble RAI GOKUL PRASAD BAHADUR asked —

"Has the Government been pleased to make any inquiry into the causes why plague is frequent and severe in the districts of Ghazipur, Ballia, and Azamgarh, and if so, what steps, if any, have been taken to prevent this?"

The Hon'ble MR O'DONNELL replied —

"The causation of the severe outbreaks of plague in the three districts referred to received the attention of the Plague Research Commission, but is still obscure. Strenuous efforts have been made for years to combat the disease. In particular endeavours have been recently made to push inoculation. There are at present three travelling dispensaries in Ballia, two in Ghazipur, and three in Azamgarh, and it has been decided to post an additional travelling dispensary to each of these districts. Experiments in the destruction of rats by fumigation are also being made in these and other districts."

Accidents on the B and
N W Railway

46. The Hon'ble RAI GOKUL PRASAD BAHADUR asked :—

"Will the Government be pleased to mention—

(a) the number of deaths due to—

(1) collision between trains,

(2) accidents in the station yards and

(3) accidents on level-crossings on the Bengal and North-Western Railway, and

(b) if any steps have been taken to stop their recurrence?"

The Hon'ble MR WOOD replied —

"The honourable member is referred to the report by the Railway Board on accidents which occurred on Indian railways and also to the Administration Report on the railways of India."

47. The Hon'ble RAJA KUSHALPAL SINGH asked :—

Use of the title of Kunwar

"Is the Government aware that among the gentry there is great dissatisfaction with the orders of the Government which lay down that none except the sons of Rajas should be entitled and addressed as 'Kunwar'? Will the Government be pleased to consider the case of those *rajas* whose ancestors have all along been styled 'Kunwar' by the Government?"

The Hon'ble MR BURN replied —

"Government is not aware that great dissatisfaction exists about the regulations as to the use of the term 'Kunwar'. These regulations were issued after due inquiry and deliberation and it is not intended to alter them. An exception to the general rule has been made in favour of persons who have hitherto been described by the appellation of Kunwar under the authority of Government, but this will not extend to descendants. The appellation of Kunwar is now recognized by Government only in the case of sons of hereditary Rajas."

48. The Hon'ble RAJA KUSHALPAL SINGH asked :—

Extension of settlement
after 30 years

"Will the Government be pleased to lay on the table a statement showing the names of the districts in which the period of settlement has been extended after the expiry of thirty years, together with the number of years for which the period of settlement was extended, such information bearing reference to the last ten years?"

The Hon'ble MR BROWNRIFF replied —

"The statement asked for by the honourable member is laid on the table."

(See Appendix V)

49. The Hon'ble RAJA KUSHALPAL SINGH asked :—

Unification of canal
rates.

"With reference to the reply given by the Hon'ble MR NETHERSOLE to the question asked by me on the 22nd November, 1911, regarding the unification of canal rates, will the Government be pleased to state whether it is now in a position to announce its decision?"

QUESTIONS AND ANSWERS

[Mr. Hutton, Raja Kushalpal Singh, Mr. Burn, Mr. O'Donnell, Mr. Pim, Mr. Tweedy]

The Hon'ble Mr HUTTON replied —

"The question is a very complicated one, and the Local Government is still obtaining opinions regarding it"

50. The Hon'ble RAJA KUSHALPAL SINGH asked —

"With reference to the reply given by the Hon'ble Mr. Bailie to the question asked by me on the 22nd November, 1911, regarding the establishment of a sub-station in the western circle for the preliminary study of the special conditions prevailing in dry tracts, will the Government be pleased to state when and where the sub-station referred to above will be established?"

Sub station for preliminary study of dry tracts in western circle

The Hon'ble Mr BURN replied —

"The steps which Mr. Morland contemplated were not found practicable owing to all the land being irrigated. On reconsidering the question, the Lieutenant-Governor does not regard it as being nearly so urgent as that of extending and improving irrigation facilities. It is therefore no longer proposed to establish a sub-station for this purpose at present."

51. The Hon'ble RAJA KUSHALPAL SINGH asked —

"Has the attention of the Government been drawn to the speech delivered by Mr. Mallet, in which he protests against the new rule regarding the enrolment of Advocates passed by the High Court of Allahabad, which requires certain barristers to take a year's reading in chambers in England?"

Enrolment of advocates in the High Court, N-W Provinces

"Will the Government be pleased to consider the advisability of asking the High Court to modify the rule by allowing students to read in chambers in India for one year?"

The Hon'ble Mr. O'DONNELL replied —

"The answer to the first part of the question is in the negative."

"The question of modifying the date from which the new rules will come into effect is under consideration, but the Government is not prepared to suggest to the Hon'ble High Court that the rules themselves should be modified."

52. The Hon'ble RAJA KUSHALPAL SINGH asked —

"In view of the fact that the Punjab, Bengal and other major provinces have all got veterinary schools, will the Government be pleased to consider the desirability of establishing such a school in the United Provinces?"

Establishment of a veterinary school in United Provinces

The Hon'ble Mr PIM replied —

"The possibility of establishing a veterinary college in the United Provinces is already under the consideration of the Local Government."

53. The Hon'ble RAJA KUSHALPAL SINGH asked —

"Has the attention of the Government been drawn to a letter headed 'The copying department in the Allahabad Collectorate' which was published in the *Leader* of 19th April, 1913? Is the Government aware that similar delays occur in giving copies in most of the collectorates in the province of Agra?"

Delay in giving copies in Agra Province collectorates

"Will the Government be pleased to state what action it is going to take to remove this inconvenience to the public?"

The Hon'ble Mr TWEEDY replied:—

"The attention of Government has been called to the article in the *Leader* of 19th April. It is true that there was considerable delay in granting copies in Allahabad, but the work was brought up to date in June last. The delay was due to pressure of work, chiefly on account of settlement operations in that district. The Board's rules allow a Collector to appoint extra copyists directly he finds work falling into arrears, but this presumes the existence of funds, and unfortunately the Commissioner's contingent grant and the Board's reserve were both depleted and an application had to be made to Government, which caused delay. Measures will be taken to increase the Commissioner's grant for extra record room."

QUESTIONS AND ANSWERS

[Raja Kushalpal Singh, Mr O'Donnell, Mr Pim]

establishment and to remove the structural defects in the copying room complained of in the *Leader*

"It is not admitted that similar delays take place in most districts in the United Provinces. In many districts the work is well up to date, but it is true that in some the percentage of urgent to ordinary copies (which is the best test of copying work) is excessive and the Board are issuing a circular on the subject to all district officers."

54 The Hon'ble RAJA KUSHALPAL SINGH asked —

Withdrawal of *thanas*
from Jagammanpur,
Rampur and Gopal-
pur

"Will the Government be pleased to announce the reasons why it proposes withdrawing from the Chiefs of Jagammanpur, Rampur and Gopalpur the privilege of having their own *thanas* in their estates?"

The Hon'ble MR O'DONNELL replied —

"Experience has shown that the Rajas are not in a position to maintain a satisfactory police force. The position of the jagus near the borders of Gwalior requires the presence of highly trained and disciplined police, in order, among other matters, to check the incursions of gangs of dacoits. While relieving the Rajas of the cost of maintaining their local police, the Government is meeting the whole cost of maintaining the provincial police."

55 The Hon'ble RAJA KUSHALPAL SINGH asked —

Reappearance of failed
candidates in the
Roorkee Engineering
College

"Considering the demand for trained engineers, will the Government be pleased to relax the rule in the Roorkee Engineering College which prohibits the reappearance of failed candidates at subsequent examinations by permitting them to appear again, though not on terms of competition, but simply to win a pass certificate?"

The Hon'ble MR PIM replied :—

"The Government do not propose to relax the rule referred to. Its object is to save incapable students from continual waste of time and money, and to maintain the standard of the college. The relaxation of the rule would lead to the lowering of this standard by diminishing the incentives to exertion on the part of the students, while an increase in the number of partially qualified engineers would do nothing to meet the want alluded to by the honourable member."

56 The Hon'ble RAJA KUSHALPAL SINGH asked —

Admissions into the
overseer class of the
Roorkee Engineering
College

"Considering the demand for trained overseers, will the Government be pleased to weigh the question of moving the authorities of the Roorkee College to increase the number of admissions to the overseer class?"

The Hon'ble MR PIM replied —

"A report by the Principal of the Thomason Civil Engineering College, Roorkee, shows that under present conditions the demand for overseers is not in excess of the supply, but that on the contrary some trained overseers have great difficulty in obtaining posts. Any considerable addition to the class would involve large expenditure on additional accommodation and also probably on staff."

"The possibility of the employment of men of the overseer class by district boards is under consideration, and the Government will be glad to consider any evidence which the honourable member can put forward as to any outside demand for overseers which cannot be met from the present class."

57 The Hon'ble RAJA KUSHALPAL SINGH asked —

Notary
collectors assistant

"With reference to the following reply given by the Hon'ble Mr Burn to the question asked by me on the 1st August, 1912: 'The inquiry was made last year, and the result reported during the absence of the Lieutenant-Governor as President of the Coronation Darbar Committee. The Board of Revenue consulted selected officers and reported that practically all those consulted were against the proposal.

QUESTIONS AND ANSWERS

[Mr Burn, Babu Moti Chand, Dr. Venis]

This view was also supported by the Board and was accepted by Sir Leslie Porter. Sir John Hewett does not himself agree with it. He would be glad to see the landholders associated more largely with the officials of Government in disposing of administrative work. The orders passed on the inquiry directed by him last year only came to his notice recently, and in view of the fact that his term of office will expire so shortly he decided not to take any action.—Will the Government be pleased to consider the desirability of extending the system of bestowing powers as honorary assistant collectors on selected landholders?”

The Hon'ble MR BURN replied —

“The matter is still under consideration.”

58 The Hon'ble BABU MOTI CHAND asked —

“Will the Government be pleased to state separately how many Government and aided high schools there are in these provinces?”

Number of Government and aided high schools,

The Hon'ble DR VENIS replied.—

“The number of Government high schools in these provinces is forty-seven and of aided high schools fifty.”

59 The Hon'ble BABU MOTI CHAND asked —

“Will the Government be pleased to state separately the number of students receiving instruction in Government schools and those receiving instruction in aided schools?”

Number of students in Government and aided schools

The Hon'ble DR VENIS replied —

“It is not clear from the question what kind of schools are meant to be included under aided school.”

A statement giving complete information as to the number of scholars in the various kinds of schools is laid on the table.”

(See Appendix VI.)

60 The Hon'ble BABU MOTI CHAND asked —

“Will the Government be pleased to state the amount of expenditure incurred during the last year or the year preceding in maintaining the Government high schools, and the total amount of grants-in-aid given to aided schools during the same period?”

Amount spent on Government and aided schools

The Hon'ble DR VENIS replied —

“The total net expenditure from provincial revenues on the maintenance of Government high schools during the year 1912-13 was Rs. 4,00,382. The total amount of grants-in-aid from provincial revenues to aided Anglo-vernacular schools for boys during the same year was Rs. 2,02,050.”

61. The Hon'ble BABU MOTI CHAND asked —

“Will the Government be pleased to state separately how many board and aided primary schools there are in the provinces, and also the number of students receiving instruction in each class of institution?”

Number of board and aided primary schools

The Hon'ble DR VENIS replied —

“The figures asked for are as follows.—

| | | |
|---|----|---------|
| (1) Boards' primary schools | .. | 6,580 |
| (2) Aided " " | " | 4,346 |
| (3) Number of scholars in boards' primary schools | .. | 414,620 |
| (4) " " aided primary schools | .. | 161,589 |

62. The Hon'ble BABU MOTI CHAND asked :—

“Will the Government be pleased to state the total amount of expenditure incurred on board schools in the provinces and the total amount given as grants-in-aid to aided elementary schools during last year or the year preceding?”

Amount spent on board and aided primary schools

QUESTIONS AND ANSWERS

[*Dr. Venis, Babu Moti Chand, Mr. Brownrigg, Rai Bishambhar Nath Bahadur, Mr. Pim*]

The Hon'ble DR. VENIS replied —

Expenditure on inspection of secondary and elementary schools.

"The total amount spent on primary schools managed by district and municipal boards during 1912-13 was Rs. 15,91,151, and the total amount given as grants-in-aid to elementary schools during the same period was Rs. 2,85,065"

63 The Hon'ble BABU MOTI CHAND asked —

"Will the Government be pleased to state the total expenditure incurred during last year or the year preceding on inspection of secondary and elementary schools?"

The Hon'ble DR. VENIS replied —

Government high schools with matriculation classes.

"The total expenditure incurred on inspection of secondary and elementary schools during 1912-13 was Rs. 5,15,015"

64 The Hon'ble BABU MOTI CHAND asked —

"Will the Government be pleased to state how many Government high schools there are in the provinces in which there are classes for preparing students for the matriculation?"

The Hon'ble DR. VENIS replied —

Annual revenue realized from non-permanently settled areas.

"There are twenty-four Government high schools in these provinces in which there are matriculation classes"

65 and 66. The Hon'ble BABU MOTI CHAND asked —

"Will the Government be pleased to state the demand for land revenue in each district which is situated in the non-permanently settled area in these provinces during the period preceding the last two revisions of settlement?"

"Will the Government be pleased to state what was the increase or decrease in the annual revenue in each such district at each of the last two revisions of settlement?"

The Hon'ble MR. BROWNRIFF replied —

"A statement is laid on the table which gives the information asked for, so far as the figures are available."

Cost of last two revisions of settlements.

(See Appendix VII)

67 The Hon'ble BABU MOTI CHAND asked —

"Will the Government be pleased to state the cost incurred on account of settlement operations at each of the last two revisions of settlement in respect of each such district?"

The Hon'ble MR. BROWNRIFF replied —

"A statement is laid on the table giving the information asked for, so far as the figures are available"

Non-official chairman for the Allahabad municipal board.

(See Appendix VIII)

68 The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Will the Government be pleased to state if it has passed orders on the memorial of the Allahabad municipal board praying that they might be permitted to elect a non-official chairman? If it has, will the Government be pleased to say what orders have been passed?"

The Hon'ble MR. PIM replied —

"No orders have been passed, the matter being reserved for consideration in connection with the approaching revision of the Municipal Act"

69 The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Will the Government be pleased to consider the desirability of establishing a veterinary school or college in these provinces at an early date?"

The Hon'ble MR. PIM replied —

"The honourable member is referred to the answer given to question no. 52 asked by the Hon'ble Raja Kushalpal Singh."

Veterinary school or college for the United Provinces.

or
and

QUESTIONS AND ANSWERS

[*Rai Bishambhar Nath Bahadur, Mr O'Donnell, Mr Burn*]

70 The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Will the Government be pleased to state in how many and which aided colleges and high schools in these provinces there are Provident Fund arrangements for the teachers? Will the Government be pleased to encourage the institution of Teachers' Provident Funds in such aided schools and colleges as have not already got them?"

Provident Fund
arrangements in aided
schools and colleges

The Hon'ble MR O'DONNELL replied —

"A statement is laid on the table showing the aided colleges and high schools which enjoy the benefits of a Provident Fund for teachers. Government are considering a general scheme for the extension of similar benefits to other colleges and schools in these provinces."

(See Appendix IX)

71. The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"(1) Will the Government be pleased to say whether punitive police has been quartered in any part of the district of Rae Bareilly? (2) What amount has been received from the inhabitants of these towns and villages to meet the cost of the punitive police? (3) On what principle has the assessment been made? (4) Is it a fact that innocent, respectable men have been required to do duty as constables or watchmen? (5) Will the Government be pleased to say if the requirements of the areas concerned would not have been or will not be met by an adequate strengthening of ordinary police force? (6) If the Government should decide on the continuance of punitive police, will it be pleased to issue orders that innocent and respectable men should not be impressed as constables or watchmen?"

Punitive police in the
Rae Bareilly district

The Hon'ble MR O'DONNELL replied —

"(1) The answer is in the affirmative.

"(2) Rupees 168

"(3) The landholders paid half. Others were assessed according to their means. Labourers and petty cultivators were exempted.

"(4) The answer is in the affirmative. Persons not believed to be innocent and respectable are not entitled to be enrolled as special constables.

"(5) The condition of affairs required special local action.

"(6) The Lieutenant-Governor can make no such promise."

72 The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"Has the attention of the Government been drawn to the article entitled 'Kanuni Hindi' published in the last April number of the *Saraswati*? In view of the fact that the law books published in the Devanagari character are chiefly meant for Hindi-speaking people, will the Government be pleased to see that the language of such books is not unusually stiff and difficult to understand?"

Law books in Devana-
gari character

The Hon'ble MR. BURN replied —

"The Lieutenant-Governor has seen the article entitled 'Kanuni Hindi' published in the *Saraswati*. Translations of Acts made by this Government are made into the Hindustani language and are as simple as is consistent with the technicalities of legal terms."

73 The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"(a) Will the Government be pleased to state the names of the journals—English, Hindi and Urdu—in those provinces to which Government publications are supplied free of cost?"

Journals getting Go-
vernment publications
free of cost

"(b) Is any, and what, distinction made between one journal and another in the matter of such supply?"

"(c) What are the criteria adopted to determine in which class a particular journal is to be placed?"

QUESTIONS AND ANSWERS

[Mr O'Donnell]

The Hon'ble MR O'DONNELL, replied —

"(a) In accordance with the orders of Government copies of Government publications are supplied to the managers of newspapers and periodicals according to their classification. The following is a list of English, Urdu and Hindi papers published in these provinces to which official reports are supplied free of cost —

FIRST CLASS.

English.

1. *Pioneer*, Allahabad.
2. *Leader*, Allahabad.
3. *Indian Daily Telegraph*, Lucknow.
4. *Advocate*, Lucknow.
5. *Hindustan Review*, Allahabad.

Urdu.

1. *Oudh Akhbar*, Lucknow.
2. *Hindustani*, Lucknow.
3. *Al Bashir*, Etawah.

Hindi.

Abhyudaya, Allahabad.

SECOND CLASS.

English

United Provinces Times, Allahabad

Urdu

1. *Zamana*, Cawnpore.
2. *Aligarh Institute Gazette*, Aligarh.
3. *Mashriq*, Gorakhpur.
4. *Independent*, Allahabad.

Hindi

1. *Maryada*, Allahabad.
2. *Saraswati*, Allahabad.

THIRD CLASS.

English.

1. *People's Herald*, Agra.
2. *Herald of India*, Cawnpore.
3. *Cosmopolitan*, Dehra Dun.

Urdu.

1. *Awaza-e-Khalq*, Benares.
2. *Cawnpore Gazette*, Cawnpore.
3. *Mukhbir-e-Alim*, Moradabad.
4. *Nayyar-e-Azam*, Moradabad.
5. *Rahbar*, Moradabad.
6. *Musafir*, Agra.
7. *Hitarshi*, Pilibhit.
8. *Rohilkhand Gazette*, Bareilly.
9. *Zul Qarnain*, Budaun.
10. *Tafrikh*, Lucknow.
11. *Al Mushir*, Moradabad.

Hindi.

1. *Bharat Jivan*, Benares.
2. *Arya Mitra*, Agra.
3. *Kshatriya Mitra*, Benares.

FOURTH CLASS.

(Technical and special papers and magazines.)

QUESTIONS AND ANSWERS.

[Mr. O'Donnell]

English

1. *Allahabad Law Journal*, Allahabad.
2. *Student World*, Lucknow
3. *Central Hindu College Magazine*, Benares.

Urdu.

1. *Purdah Nashin*, Agra.
2. *Mufid-ul-Mazarain*, Cawnpore.
3. *Risala-i-Taza Nazar*, Bijnor
4. *Al Khalil*, Bijnor.
5. *Educational Magazine*, Ghazipur.
6. *Kul Bhashkar*, Allahabad.

Hindi

1. *Vyapari and Karigar*, Benares.
2. *Stri Darpan*, Allahabad.

“(b) Distinctions are observed between the four classes mentioned in the answer to the first part of the question. The following is a list of the publications supplied to each class —

Report supplied to newspapers of the first class.

- (1) Administration of the department of Agriculture.
- (2) “ “ Land Records.
- (3) Inland trade.
- (4) Foreign trade.
- (5) Cawnpore agricultural station
- (6) Agricultural station, Orai, Jalaun.
- (7) Government horticultural gardens, Lucknow.
- (8) “ botanical gardens, Saharanpur
- (9) Civil Veterinary department
- (10) Working of the Provincial Museum, Lucknow.
- (11) Season and crop.
- (12) Revenue administration.
- (13) Court of Wards.
- (14) Working of the Co-operative Credit Societies Act (X of 1904).
- (15) Inland emigration.
- (16) General administration
- (17) Mortality caused by wild beasts and venomous snakes.
- (18) Working of the Indian Factories Act.
- (19) Dispensaries.
- (20) Agra Medical school.
- (21) Prisons
- (22) North-Western Provinces Criminal Justice.
- (23) Oudh Criminal Justice
- (24) Working of the Indian Companies Act (VI of 1882).
- (25) Reformatory.
- (26) Chemical Examiner.
- (27) Lunatic asylums.
- (28) North-Western Provinces Civil Justice.
- (29) Oudh Civil Justice.
- (30) Registration.
- (31) Police.
- (32) Local self-government.
- (33) Municipal.
- (34) Excise
- (35) Stamps.

QUESTIONS AND ANSWERS

[Mr O'Donnell, Rai Bishambhar Nath Bahadur]

- (36) Income tax.
- (37) Forests
- (38) Educational
- (39) Sanitation
- (40) Vaccination

Reports supplied to newspapers of the second class

- (1) Administration of the department of Agriculture
- (2) , , , Land Records
- (3) Cawnpore agricultural station
- (4) Revenue administration
- (5) General administration
- (6) Dispensaries.
- (7) Prisons
- (8) Reformatory.
- (9) Lunatic asylums.
- (10) Registration
- (11) Police
- (12) Local self government.
- (13) Municipal
- (14) Excise
- (15) Stamps
- (16) Income tax
- (17) Forests.
- (18) Educational
- (19) Sanitation.
- (20) Vaccination

Reports supplied to newspapers of the third class

- (1) General Administration Report

Reports supplied to newspapers of the fourth class being technical and special papers

Only those reports which deal with the special subject matter of each newspaper, with, in some cases, the addition of the general administration report

“(c) The circulation, influence, contents and general merit of a paper are the criteria which determine the class in which it is placed. The list is revised at the beginning of each year.”

74. The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked:—

- “(a) Has the attention of the Government been drawn to numerous complaints, not confined to any one part of the province with regard to the difficulty experienced by students in securing admission in a government or private secondary school owing to the rigid enforcement of the rules which limit the maximum admissions into schools to 450, the maximum of sections into which a class may be divided to 2, and the maximum of admissions into a section to 33?”
- “(b) Are the aforesaid rules intended to be enforced only in government schools or expected to be observed in private schools also?”
- “(c) Will the Government be pleased to say why a class may not have sections more than two in schools where accommodation may be available?”
- “(d) Is the Government aware that grave concern is felt by parents and guardians in the restrictions?”
- “(e) Will the Government be pleased to suspend the operation of all or any of the said rules or at least to modify them in such a manner that present

Difficulty of admission
into secondary schools.

QUESTIONS AND ANSWERS.

[*Dr. Venis, Rai Bishambhar Nath Bahadur, Mr. O'Donnell*]

inconvenience may be minimized until an adequate number of schools to meet the requirements of these provinces may come into existence?"

The Hon'ble DR VENIS replied —

"(c) Government are aware that there has been some difficulty in finding accommodation for a number of boys seeking admission into Anglo-vernacular schools. The limitations as to space and number of pupils are found in rule 84 of the Educational Code. A minimum limit of 15 square feet is prescribed for each boy, and a maximum limit of 30 boys for each section of a class, with an addition of 10 per centum to allow for cases of occasional absence. The honourable member is under a misapprehension as to the existence of a rule limiting a class to two sections or of a rule limiting the number of admissions to a school to 450.

"(b), (e), (d) and (e) The rules as to space allowance per boy and the number of boys for each section of a class are binding on both government and aided schools, but are relaxed more especially in the case of aided schools when the necessity for so doing is clear. The Government are of opinion that efficient instruction cannot be imparted under insanitary conditions, or to more than a limited number of scholars in a school or section of a class by a teacher, and are not prepared to modify or suspend the existing rules. The whole question of relieving the pressure in Anglo-vernacular schools is under consideration."

75. The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"(a) Has the attention of the Government been drawn to complaints against the levy of double the ordinary fee from failed candidates seeking re-admission into schools?"

Double fees realized from failed candidates seeking admission

"(b) Is the Government aware that the percentage of failures in public examinations is fairly large, and that by virtue of the aforesaid rule a majority of parents and guardians are put to the necessity of paying the enhanced fee?"

"(c) Is the Government aware that the bulk of students belong to the lower middle class with fixed and very moderate incomes, and that their parents and guardians can pay even the ordinary fee with difficulty?"

"(d) Will the Government be pleased to rescind the said rule or at least to modify it so as to exempt from its operation students, the income of whose parents or guardians is below a specified minimum?"

The Hon'ble MR O'DONNELL replied —

"(a) and (b) The Government are aware of complaints against the levy of double fee from failed candidates, but they cannot accept the statement that the majority of parents have to pay the enhanced fee.

"(c) and (d) The honourable member is referred to the answer given to the question asked by the Hon'ble Lala Sukhbir Singh at the Council meeting of the 1st August, 1912."

76. The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"(a) Will the Government be pleased to state the number of cognizable crimes reported to, and the number in which investigation was refused by, the police in these provinces during the last five years?"

Cognizable crimes reported to and refused investigation by the police

"(b) Is it a fact that the percentage of cases in which investigation is so refused is in these provinces larger than in other provinces of British India?"

"(c) Will the Government be pleased to say what is the cause or the causes for the refusal of the investigation into reported cases, and state the rules in force for the guidance of the police in this matter?"

QUESTIONS AND ANSWERS

[*Mr Straight, Rai Bishambhar Nath Bahadur, Mr. Burn, Mr. Fm*]

The Hon'ble MR STRAIGHT replied —

- "(a) A statement giving the number of cognizable crimes reported to, and the number in which investigations were refused by, the police in these provinces during the last five years is laid on the table
- "(b) The reply is in the affirmative
- "(c) The causes for refusal of investigation are indicated in the rules on the subject, which will be found in chapter X of the Police Regulations. These were framed on the basis of the recommendations of the Indian Police Commission of 1902-3, which will be found in paragraph 152 of their report"

(See Appendix X)

77. The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

Newspapers subsidized
by Government

- "(a) Will the Government be pleased to say whether it subsidizes any newspaper or newspapers published in these provinces or outside in the shape of purchase of a large number of copies of such newspaper or newspapers?
- "(b) If the answer to the above be in the affirmative, what papers are so subsidized and what is the amount paid to each annually?
- "(c) Since when have such subsidies been given, and how long is it proposed to continue the same?
- "(d) Will the Government be pleased to state for what reason the said papers are being so helped?"

The Hon'ble MR BURN replied —

"The answer to the first part of the question is in the negative, and the other portions therefore require no answer"

78. The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

Government printing
work executed by
private presses.

- "(a) Will the Government be pleased to say whether any of its printing work is executed by private presses? Which are these presses, and what is the value of the work given to them in the years 1910-11 and 1911-12?
- "(b) If the answer to the above be in the affirmative, will the Government be pleased to say whether it would not be more economical to enlarge the Government Press at Allahabad to do away with the necessity of getting its work done at private presses?"

The Hon'ble MR PRINCE replied —

- "(a) The honourable member is referred to statement 6 attached to the annual report on the working of the Government Press for the year 1912-13
- "(b) As the total cost of the government work done by private presses was only Rs. 18,349 in the year 1911-12 and the rates paid are those passed by the Superintendent, Government Press, the Government considers that it would not be economical to enlarge the Government Press so as to avoid sending work to private presses"

79. The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

Executive Council in
the United Provinces.

"Will the Government be pleased to say what public bodies or any individual citizens have been invited to express their opinion on the question of the establishment of Executive Council in these provinces?"

The Hon'ble MR BURN replied —

"Since the debate took place in this Council the Lieutenant-Governor has consulted the British Indian Association and the Upper India Chamber of Commerce on the question whether an Executive Council should be constituted in this province."

QUESTIONS AND ANSWERS

[*Khwaja Ghulam-us-Saqlain, Mr O'Donnell, Rai Natthi Mal Bahadur, Mr Wood, Mr Pim, Mr Hailey*]

80 The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

"(a) Has there been any representation to the Government for exercise of its prerogative of mercy in case of persons convicted in the Ajudhia riot?"

Mercy to Ajudhia rioters

"(b) Has the attention of Government been drawn to a paragraph in the *Leader* of the 19th August, 1913, asking for leniency on behalf of the Ajudhia rioters?"

"(c) Would the Government be pleased to consider favourably any deserving case of mercy and leniency that may have or may come before them?"

The Hon'ble MR O'DONNELL replied —

"(a) The answer is in the negative

"(b) The answer is in the affirmative

"(c) This is the practice of Government"

81 The Hon'ble RAI NATTHI MAL BAHADUR asked —

"Is the Government aware that the pilgrims coming from a distance are put to a great difficulty owing to want of sufficient accommodation at Hardwar on the town site of the river Ganges?"

Causeway bridge on the town side of Hardwar.

"Will the Government be pleased to take into consideration the advisability of building an ordinary causeway bridge over boats across the river, so as to enable the pilgrims to go over to the other side of it with convenience and safety?"

The Hon'ble MR WOOD replied —

"The whole question of providing better convenience for pilgrims at Hardwar is being considered by the Special Committee which will shortly report on the subject, and the honourable member's suggestions will be carefully considered in connection with their report"

82. The Hon'ble RAI NATTHI MAL BAHADUR asked —

"Is the Government aware that the services of a sanitary officer are very badly needed for the town of Hardwar, and that for want of supervision of the sanitary condition of the place the pilgrims are put to very great trouble?"

Sanitary officer for Hardwar

"Will the Government be pleased to appoint a sanitary officer, particularly during the fair times?"

The Hon'ble MR PIM replied —

"Hardwar is included in the list of towns which will be required to employ a qualified health officer, but as special qualifications are required for the post, no appointment has yet been possible. The question of finding a suitable incumbent for the post is under consideration.

"Special arrangements are always made at the big fairs"

83. The Hon'ble RAI NATTHI MAL BAHADUR asked —

"(a) Is the Government aware that at the Cawnpore Agricultural College the students of the Agricultural section who fail in the diploma examination are debarred from appearing at any future examination and are thus ineligible for government service?"

Re examination of Agricultural diploma examinees in the Cawnpore Agricultural College

"(b) Will the Government be pleased to consider if this hardship can be mitigated by allowing them another chance for obtaining the diploma, though the government service for such students may not remain guaranteed?"

The Hon'ble MR HAILEY replied —

"Students of the Agricultural College who fail in the diploma examination are allowed to appear again at the discretion of the governing body"

84 The Hon'ble RAI NATTHI MAL BAHADUR asked —

"Will the Government be pleased to keep a gradation list of the municipal secretaries, by which their promotion may be regulated?"

Gradation list of municipal secretaries

QUESTIONS AND ANSWERS

[*Mr Pim, Rai Nattui Mal Bahadur, Lala Sukhbir Singh, Babu Brijnandan Prasad, Mr O'Donnell Mr Hutton, Mr Burn.*]

The Hon'ble MR PIM replied —

"The Government do not propose to interfere with the discretion of municipal boards under the Municipal Act in the manner suggested by the honourable member"

85 The Hon'ble RAI NATTHI MAL BAHADUR asked —

Transfer of municipal secretaries

"Will the Government be pleased to take into consideration the advisability of the transfer of municipal secretaries after every five years?"

The Hon'ble MR PIM replied —

"This arrangement would not be possible under the law, as secretaries are the servants of the boards and not of Government"

86 The Hon'ble LALA SUKHBIR SINGH asked —

Improvement of village roads

"(a) Will the Government be pleased to state if any of the district boards of the Government have taken any action for the improvement of the village roads on the lines indicated by my resolution in the Council meeting held on 23rd September 1910?"

"(b) Is the Government aware that the Chief Commissioner of Assam has increased the allotments to village committees for the double purposes of rural sanitation and village road improvement, and will it be pleased to take some steps in these provinces also for the improvement of the village roads?"

The Hon'ble MR. PIM, replied —

"(a) The answer is in the negative

"(b) The Local Government has no information about the Assam condition and has defined its own position in the debate on the honourable member's motion in 1910"

87. The Hon'ble BABU BRIJNANDAN PRASAD asked —

Report of the Elementary Education Committee

"Will the Government be pleased to publish the report of the Elementary Education Committee before coming to a final conclusion itself?"

The Hon'ble MR. O'DONNELL replied —

"The answer is in the affirmative"

88. The Hon'ble LALA SUKHBIR SINGH asked —

Deficiency in canal water supply in the Dehra Dun district

"Is the Government aware of the general complaint that canal water is not supplied in time and in sufficient quantity to the cultivators and garden owners of the Dehra Dun district, and will it be pleased to order an inquiry into the matter?"

The Hon'ble MR HUTTON replied —

"The supplies in the Bijapur and Rajpuri canals, Dehra Dun district, are entirely dependent on the supplies in the rivers from which they are taken. The available supplies during the past rains were somewhat below normal, hence the reason for the shortage complained of"

89. The Hon'ble LALA SUKHBIR SINGH asked —

New forest rules in the Dehra Dun district

"Is the Government aware of the hardship which the villagers of the Dehra Dun district are labouring under on account of the new forest rules under which the number of cattle for each village to graze in the government forest is fixed and the villagers cannot keep any more cattle or any she-buffaloes?"

"Will it be pleased to order an inquiry for the modification of these rules?"

The Hon'ble MR. BURN replied —

"Government is not aware of the hardships said to be imposed upon villagers of the Dehra Dun district by the forest rules. If the honourable member will give further details of the complaints, an inquiry will be made into the matter"

QUESTIONS AND ANSWERS

[*Lala Sukhbir Singh; Mr Wood, Mr Pim, Babu Brynandan Prasad, Colonel Manifold, Lieutenant-Colonel Mactaggart.*]

90. The Hon'ble LALA SUKHBIR SINGH asked —

"(a) Will the Government be pleased to order a list to be prepared of such ghats at Benares, Muttra, Brindaban and Kankhal as stand in need of repairing and the proprietors of which have ceased to exist or are unable to provide for their repairs ?

Ghats at Benares, Muttra, Brindaban and Kankhal

"(b) Will the Government be pleased to consider the desirability of placing such ghats under the Archaeological department and to have them repaired from Government money or by public subscriptions or by both ?"

The Hon'ble MR. WOOD replied —

"(a) As these ghats are not maintained by Government, it cannot undertake to have a list of them prepared

"(b) Such ghats cannot, as a general rule, be regarded as archaeological works, and cannot therefore be maintained from provincial funds, but if funds are raised by private subscriptions to meet the cost of repairs, the Public Works Department officers will no doubt be ready to advise and assist"

91. The Hon'ble LALA SUKHBIR SINGH asked —

"Will the Government be pleased to state why the district boards do not publish their annual reports like municipal boards, and will it be pleased to order that district boards also should publish their reports in English and Vernacular, which should be available to the members and the public ?"

Annual reports of district boards.

The Hon'ble MR. PIM replied —

"District boards will be consulted with reference to the proposal"

92. The Hon'ble BABU BRIJNANDAN PRASAD asked —

"With reference to the reply given to my question on the subject at the Council meeting of the 14th April, 1913, will the Government be pleased to state whether there has been any instance of a military assistant surgeon being brought to the civil side in the fourth year of his service and being made a *pacca* civil surgeon within nine years ?"

Military assistant surgeons transferred to civil employment.

The Hon'ble COLONEL MANIFOLD replied —

"From 1901 to 1913 only two military assistant surgeons with less than four years' service were transferred to these provinces for civil employ. They both had had specially brilliant college careers

"During these years only one military assistant surgeon with less than nine years' service was appointed a *pacca* civil surgeon. This officer however is one of the two who came to these provinces with less than four years' service"

93. The Hon'ble BABU BRIJNANDAN PRASAD asked —

"In continuation of my question on the subject at the meeting of the 14th April, 1913, will the Government be pleased to state whether military assistant surgeons of less than ten years' standing when put in civil medical charge of the district have invariably been put in charge of the jail also, and if so, whether the sanction of the Government was obtained in each such case as required by paragraphs 14 and 15, page 37, of the Jail Manual ?"

Military assistant surgeons in charge of jails

The Hon'ble LIEUTENANT-COLONEL MACTAGGART replied —

"The Government is not aware of any instance in which a military assistant surgeon of less than ten years' service who was not civil surgeon of the district, was appointed superintendent of the district jail"

94. The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Will the Government be pleased to lay a statement on the table showing the number of cataract, stone, hydrocele, hernia and other major operations, excluding the setting of fractures, performed by the civil surgeons and assistant surgeons respectively in the *sadr* dispensaries at Lucknow, Allahabad, Cawnpore, Meerut, Bareilly, Moradabad, Bijnor, Benares, Agra, Fyzabad and Gorakhpur during the years 1910-1912 ?"

Major operations performed by civil and assistant surgeons

QUESTIONS AND ANSWERS

[Colonel Manifold, Babu Brjnandan Prasad, Mr. O'Donnell, Mr. Burn,
Dr. Tej Bahadur Sapru]

The Hon'ble COLONEL MANIFOLD replied —

"A statement showing the number of operations performed by the civil surgeons and assistant surgeons is laid on the table"

(See Appendix XI)

95 The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Has the attention of Government been drawn to the letter 'Indian head masters in the United Provinces' published in the *Pioneer* of the 13th April, 1913, page 10, and column 2? If so, will the Government be pleased to state if it contemplates to bring the Indian head masters of Government High Schools to the cadre of the Provincial Educational Service as has been done in other provinces?"

The Hon'ble MR O'DONNELL replied —

"The honourable member is referred to the reply given to the similar question (no. 2) asked by the Hon'ble Rana Sir Sheoraj Singh."

96. The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Has the attention of Government been drawn to the fact that the forest settlement and the process of afforestation now being carried on in Kumaun is causing much dissatisfaction to the people? What action is the Government taking to remove the dissatisfaction and to secure to the people the rights to use forest produce for fuel, fodder and manure which they hitherto enjoyed? How much cultivated area has been included in the forests lately?"

The Hon'ble MR BURN replied.—

"Government is aware that the forest settlement now being made in Kumaun is causing some dissatisfaction. It is believed, however, that this dissatisfaction is largely due to a misconception by the people of their future position under the settlement. Ample provision is being made to safeguard existing rights, and it is hoped that the discontent will vanish as experience is gained of the actual working of the new régime."

"Inquiry will be made as to how much cultivated land has been included within the new forest boundaries since the date of the reply to question no. 17 asked by the honourable member at the meeting of 1st August, 1912, and the information will be laid on the table."

97. The Hon'ble DR. TEJ BAHADUR SAPRU asked —

"(a) Will Government be pleased to state whether any recommendation regarding the creation of an Executive Council for these provinces, together with a report of the proceedings of this Council relating to the debate on the resolution on this subject moved at the meeting held in Lucknow on the 14th of April last, has been submitted to the Government of India? If not, when does Government propose to do so?"

"(b) Will Government be pleased to state, (i) whether it is a fact that the Hon'ble the Maharaja of Balrampur was asked to collect the opinions of the taluqdars of Oadh on this subject, (ii) whether the taluqdars held any meeting of their Association to consider this question?"

"(c) Will Government be pleased to publish the names and the opinions of the taluqdars consulted on the subject?"

"(d) Will Government be pleased to state whether the Upper India Chamber of Commerce at Cawnpore was also consulted on the subject after the 14th of April last, and if so, will Government be pleased to publish the opinion of the Chamber if it has submitted any?"

The Hon'ble MR. BURN replied.—

"(a) A report of the debate, together with the views of the Lieutenant-Governor, has been submitted to the Government of India,

Promotion of head
masters to provincial
service

Forest settlement in
Kumaun.

Executive Council in
the United Provinces

QUESTIONS AND ANSWERS.

[Dr. Tej Bahadur Sapru, Mr. Burn, Dr. Venis.]

"(b) (i) The British Indian Association of Oudh was asked officially to express an opinion on the proposal. As it appeared likely there would be some delay in obtaining a reply from the Association and the Lieutenant-Governor desired to obtain opinions before he visited Simla, in June last, he asked the Maharaja of Balrampur as President of the Association to obtain the opinions of individual taluqdars as quickly as possible.

(ii) No information has reached Government about the consideration of the question at a meeting of the Association.

"(c) The Lieutenant-Governor is not prepared to publish the opinions of the taluqdars as he has not obtained their consent to do so.

"(d) The Upper India Chamber of Commerce has forwarded to Government an expression of opinion on the subject, a copy of which is laid on the table."

(See Appendix XII.)

98. The Hon'ble DR. TEJ BAHADUR SAPRU asked.—

"Will Government be pleased to state whether it is aware that there is great dissatisfaction prevailing among the people of Kumaun on account of the restrictions placed upon them in the matter of extending cultivation within boundaries of their villages popularly known as *ass sal* boundaries and the difficulties which those people have to face in regard to cutting timber, firewood and grass? Will Government be pleased to inquire into their grievances in this respect?"

Forest settlement in Kumaun

The Hon'ble MR. BURN replied.—

"Government is aware that dissatisfaction is caused by the restrictions upon extension of cultivation imposed in Kumaun. These restrictions are imposed with a view either to prevent undue encroachments upon grazing land or to prevent unnecessary damage to forests, and are in the interests of the people themselves. It is not intended to remove them.

"The rights of the villagers to cut wood and grass and to collect firewood are being duly inquired into and recorded by the forest settlement officers, from whose orders an appeal lies."

99. The Hon'ble DR. TEJ BAHADUR SAPRU asked.—

"Will Government be pleased to state whether there is any truth in the report that the system of *utar* is likely to be extended to such inhabitants of the Almora city as own land in the district?"

Utar system in Almora city

The Hon'ble MR. BURN replied.—

"All persons who own land in the Almora district are liable, under their settlement agreements, to provide *kuli bardarsh*, whether they live in Almora city or not. There is no proposal to extend the existing liability of the townspeople."

100. The Hon'ble DR. TEJ BAHADUR SAPRU asked.—

"Will Government be pleased to state whether there is any Anglo-vernacular school in the town of Kashipur, and if not, whether it is proposed to start one?"

Anglo-vernacular school in Kashipur

The Hon'ble DR. VENIS replied.—

"The reply to the first part of the question is in the negative. The Government is not aware that any application has as yet been made by the residents of Kashipur for the opening of an Anglo-vernacular school in that town."

101. The Hon'ble DR. TEJ BAHADUR SAPRU asked.—

"Has Government received any memorial from the residents of mauza Deomal, in the district of Fatehpur, in which they pray for the erection of a bridge to cross over the Fatehpur branch of the Lower Ganges Canal and the opening of a minor canal for supplying water to the village for irrigation? Has Government been pleased to inquire into the grievances of the memorialists? If so, will Government be pleased to state how the matter has been disposed of?"

Bridge over Fatehpur branch of the Lower Ganges Canal

QUESTIONS AND ANSWERS.

[Mr Hutton, Dr Tej Bahadur Sapru, Mr Burn, Mr Pim]

The Hon'ble MR. HUTTON replied —

"Government has received the memorial referred to and has inquired into the grievances of the memorialists

"As regards the provision of an additional bridge over the Fatehpur branch, it has been ascertained that a bridge has already been provided within the limits of the village on the south side and about half a mile from the main village site, and it is therefore not considered necessary to provide a second one

"With reference to the canal minor, the honourable member is referred to the reply to question 50 of the Council meeting of 9th April, 1913"

102 The Hon'ble DR. TEJ BAHADUR SAPRU asked —

"Will Government be pleased to state whether it is a fact that a security of Rs. 500 has been taken under the Indian Press Act from Mrs R Stewart, proprietress of a newspaper called the *Herald of India*, published at Cawnpore? Will Government be pleased to state the reason for this action?"

The Hon'ble MR. BURN replied —

"It is a fact that a security of Rs. 500 has been taken under the Indian Press Act from Mrs R Stewart, proprietress of the *Herald of India*. The reason for this action was that, owing to the tone of the paper, the District Magistrate thought it no longer desirable to dispense with the deposit of the security which is required by section 3(1), Act I of 1910"

103 The Hon'ble DR. TEJ BAHADUR SAPRU asked —

"Has the attention of Government been drawn to an extract from a letter published in the *Bharat Mitra* (reproduced in the *Leader* of August 1913, at page 6) headed 'The Cry of an Indian Woman,' in which the writer, Musammatt Kunti, daughter of Charan, Chamar, of Lakhnapokar, post office Belghat, district Gorakhpur, writes from Fiji (i) that she and her husband were taken away from Gorakhpur to Calcutta by a coolie emigration agent who held out tempting offers to them, and that at Calcutta they had to live amidst great difficulties for some days, after which they were sent to Fiji, (ii) that on April 10, 1913, she was sent in Fiji to work in an out-of-the-way field alone, and that upon the overseer and the sardar attempting to violate her chastity, she ran away in utter despair and plunged into the river, but was rescued by a boy in his boat and landed on the other shore, (iii) that when she referred the matter to the owner of the firm by which she and her husband were employed, he refused to listen to her, and (iv) that now both she and her husband were being treated with greater harshness by the sardar and the overseer and were allotted extremely hard tasks? Will Government be pleased to inquire into the truth of the allegations made by Musammatt Kunti in her letter referred to above? Will Government be pleased to inquire also into the terms of the contract of service between her and her employers in Fiji, and to lay the result of their general inquiry on the table?"

The Hon'ble MR. PRIM replied —

"A copy of the letter referred to has been sent to the Government of India with the request that an enquiry may be made through the proper channel. The results of the enquiry will be laid on the table in due course."

104. The Hon'ble DR. TEJ BAHADUR SAPRU asked —

"(a) Will Government be pleased to state whether it is aware that the rule requiring 15 square feet of floor area to be allotted to each boy in schoolrooms is leading to the curtailment of the total enrolment of schoolboys, thus causing great hardship to the students who cannot find admission into schools easily, and also to the managers of aided and recognised schools who have to depend upon fees as a source of their income?"

Security realised from
the proprietress of the
Herald of India

Coolie emigration to
Fiji.

Allotment of 15 square
feet of floor area to
each school boy

QUESTIONS AND ANSWERS.

[*Dr. Venis, Babu Moti Chand, Mr O'Donnell*]

- (b) Will the Government be pleased to consider the expediency of allowing a discretion to inspectors of schools and head masters in the matter of admissions of schoolboys with reference to the rule mentioned above and also the rule fixing the maximum number of boys to be taken into school classes ? ”

The Hon'ble DR VENIS replied —

‘ The honourable member is referred to the answer given to question no. 74 ’

105 The Hon'ble BABU MOTI CHAND asked —

“ Will the Government be pleased to state if there is any magazine or journal published outside India which is supplied to Anglo-vernacular schools at the cost of the Government? If there is, what are its special recommendations for the schools, and what does its free supply cost to the Government ? ”

Journals supplied to vernacular schools at Government cost

The Hon'ble DR VENIS replied —

“ The statement called for is laid on the table ”

(See Appendix XIII)

106 The Hon'ble BABU MOTI CHAND asked —

“ Will the Government be pleased to state the reasons for not publishing the terms of reference, the *personnel* and the scope of inquiry of the Primary Education Committee, presided over by Mr Justice Piggott ? ”

Particulars of the Primary Education Committee

The Hon'ble MR O'DONNELL replied —

“ The terms of reference to and scope of inquiry of the Primary Education Committee were published in resolution no 625/XV, dated the 7th May, 1913 The Government did not consider it necessary to publish at the time the names of the members of the committee ”

107 The Hon'ble BABU MOTI CHAND asked —

“ Will the Government be pleased to state if it intends to publish the particulars connected with the Primary Education Committee mentioned above ? ”

Particulars of the Primary Education Committee

The Hon'ble MR O'DONNELL replied —

“ The honourable member is referred to the answer given to the preceding question It is proposed to publish shortly the report of the committee ”

108 The Hon'ble BABU MOTI CHAND asked —

“ Will the Government be pleased to state if the opinion of the Primary Education Committee was invited as to the relative merits of the Devanagari and Persian scripts as a medium for the imparting of education in the primary schools ? ”

Relative merits of Persian and Devanagari scripts

The Hon'ble MR O'DONNELL replied —

“ The answer is in the negative ”

109 The Hon'ble BABU MOTI CHAND asked —

“ Will the Government be pleased to state whether the recommendations of the Primary Education Committee will be published for the information of the public before their consideration and disposal by the Government ? ”

Recommendations of the Primary Education Committee

The Hon'ble MR O'DONNELL replied —

“ The honourable member is referred to the answer given to question no 107 ”

110. The Hon'ble BABU MOTI CHAND asked —

“ Will the Government be pleased to state whether the recent recurring grants to municipalities for the extension of primary education are to be applied to the education of both boys and girls, or to that of the former alone ? ”

Recurring grants to municipalities for primary education

The Hon'ble MR O'DONNELL replied —

“ The grants may be applied to the education of both boys and girls. ”

111 The Hon'ble BABU MOTI CHAND asked —

“ Will the Government be pleased to state whether it will make any grant to municipal and district boards exclusively for the advancement of education of girls ? ”

Grants to municipal and district boards for education of girls

QUESTIONS AND ANSWERS

[Mr. O'Donnell, Babu Moti Chand, Dr. Venis, Rai Ganga Prasad Varma Bahadur.]

The Hon'ble MR. O'DONNELL replied —

"The question of grants to municipal and district boards for the promotion of female education will be considered in connection with the recommendations of the Primary Education Committee, whose report is at present under examination by the Government."

112 The Hon'ble BABU MOTI CHAND asked —

Pass marks in the school leaving certificate examination

"Will the Government be pleased to state if there is any fixed percentage of pass-marks both in the aggregate and in the different subjects prescribed for the school-leaving certificate examination?"

The Hon'ble DR. VENIS replied —

"The answer is in the affirmative."

113 The Hon'ble BABU MOTI CHAND asked —

Pass marks in the school leaving certificate examination.

"Will the Government be pleased to state what is the percentage of such pass-marks?"

The Hon'ble DR. VENIS replied —

"The honourable member is referred to the answer given to the question asked by the Hon'ble Munshi Asghar Ali Khan at the Council meeting on 1st August, 1912."

114 The Hon'ble BABU MOTI CHAND asked —

First, second and third boys—whether from Government or aided schools

"Will the Government be pleased to state how many of the boys who stood first, second and third in order of merit in the school-leaving and matriculation examinations during the last three years belonged to government schools and how many to aided schools?"

The Hon'ble DR. VENIS replied —

"The information can be obtained from the government gazettes showing the scholarships awarded on the result of these examinations. The names are given in order of merit. The list for this year was published in the gazette of July 19th."

115 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

Printed summonses in Oudh Civil Courts

"Is the Government aware—

- (a) that under the new Oudh Civil Digest of 1912, section 102, parties to a suit are required to file with their application for the issue of summonses to their witnesses printed forms of summonses duly filled up;
- (b) that the forms are sold to stamp vendors for twelve annas a hundred, who can sell them to litigants for one pice each (section 103);
- (c) that the practice of the past fifty years, which had worked satisfactorily, has been upset for a small pecuniary gain to the Government or for a little relief to the subordinate staff attached to the civil courts;
- (d) that the new system has caused much inconvenience to the litigants, the majority of whom are illiterate and poor, who have to spend money not only in purchasing forms of summonses but also in having them duly filled up by petition writers who charge from them something?"

The Hon'ble MR. O'DONNELL replied :—

"(a) and (b) The Government is aware of the provisions of rules 102 and 103 of the Oudh Civil Digest

(c) and (d) The Government proposes to institute an inquiry as to the matters mentioned."

116. The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked :—

Inconvenience and loss to litigants owing to printed summonses in Oudh,

"Will the Government be pleased to make an enquiry from the civil courts of Oudh as to whether the new system causes much inconvenience and pecuniary loss to the poor litigants? Whether the process fees hitherto charged have or have not been sufficient to pay the price of the form and the pay of the officer appointed to fill up the same? Has not the new system thrown an additional burden upon the litigants?"

QUESTIONS AND ANSWERS

[*Mr O'Donnell, Rai Ganga Prasad Varma Bahadur, Dr. Venis*]

The Hon'ble MR O'DONNELL replied —

"The answer is the same as in the case of question no 115 (c) and (d)"

117 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"If, on inquiry, it appears that the new system is causing hardship to the litigants, will the Government be pleased to abolish the same, and, if necessary, appoint an additional clerk in each court to relieve the overburdened ministerial officers?"

Abolition of printed summonses

The Hon'ble MR O'DONNELL replied —

"The answer is the same as in the case of question no 115 (c) and (d)"

118 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state what amount of money is realized from process fees in Oudh and how it is spent?"

Money realized from process fees in Oudh

The Hon'ble MR O'DONNELL replied —

"The information asked by the honourable member will be furnished at the next meeting of the Council"

119 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to furnish the following information,—

(a) The number of students on the roll of the University school of law,

(b) the number of students from Oudh and districts of Kumaun and Rohilkhand who have to go to Allahabad *via* Lucknow,

(c) accommodation for law students available in law hostels and the MacDonnell Boarding House at Allahabad?"

Number and accommodation of students in the University school of law.

The Hon'ble MR O'DONNELL replied —

"(a) 375 students are enrolled in the University School of Law

(b) The information required is not available

(c) Accommodation is available for students of Law to the number of 112 in the Law hostels, and to the number of 28 in the MacDonnell Boarding House.

Considerable additions to the existing accommodation are contemplated"

120 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"In view of the crowded condition of the classes in the University school of law, will the Government be pleased to consider the advisability of requesting the Canning College Committee to re-open its law class, or itself open a school of law at Lucknow"

Opening a law class or school at Lucknow

The Hon'ble MR O'DONNELL replied —

"The honourable member is referred to the concluding portion of the previous question. The Government does not consider the opening of law classes at Lucknow to be either necessary or desirable"

121 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to place on the table a statement showing the number of students who had to be refused admission in the colleges in the United Provinces for want of accommodation, and the number of students who were refused admission into the Canning College owing to insufficient arrangements in the college for practical work in biology or chemistry."

College students refused admission

The Hon'ble DR VENIS replied —

"The information required in the earlier part of the question is not available. As regards Canning College, it is understood that no students were refused admission to the chemistry classes, but that some fifteen or twenty may have been refused admission to the biology classes."

122 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government state what was the number of students who applied for admission in the hostels attached to the Canning College and who were refused admission for want of accommodation? Will the Government in distributing grants for hostels take into consideration the claims of the Canning College for more hostels?"

Candidates refused admission into the Canning College hostels.

QUESTIONS AND ANSWERS

[Dr. VENIS, RAI GANGA PRASAD VARMA BAHADUR, Mr. O'Donnell]

The Hon'ble DR. VENIS replied —

"In answer to the first question it is understood that the authorities of Canning College have not kept a record of the number of students refused admission this year to the hostel for want of accommodation, but the number is believed to be over 20

"As regards the second question Government have not overlooked the needs of Canning College in the matter of grants-in-aid for hostels"

123 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

Rule regarding 33 students in a class

"Is the Government aware that there is a deal of dissatisfaction in the province owing to the enforcement of the rule that there should be only thirty three students in every class or section of a class in an Anglo-vernacular school and that no class should have more than two sections? Will the Government be pleased to state what steps have been taken to remove this source of dissatisfaction?"

The Hon'ble DR. VENIS replied —

"The honourable member is referred to the answer given to question no 74"

124 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

Rule of 33 students in a class obtaining in other provinces

"Will the Government be pleased to state in what provinces other than the United Provinces the rule of thirty-three students for every class in an Anglo-vernacular school with the limitation of two sections to a class is enforced?"

The Hon'ble DR. VENIS replied —

"The information asked for is being collected and will be presented at the next meeting"

125 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

Special classes in English secondary schools

"Is the Government aware that there is an increasing demand on the part of vernacular school final passed students for admission into the Anglo-vernacular schools, and that the demand is not met by the existing arrangements of special classes in the English secondary schools?"

"Is the Government aware that at the opening of the present school session the number of applicants for admission in special classes at Lucknow was three times of what could be admitted? If so, will the Government be pleased to direct the opening of more special classes and hostels in connection with high schools to meet the demand?"

The Hon'ble MR. O'DONNELL replied —

"Government are aware of the increasing demand referred to, though their attention has not been specially drawn to the case of Lucknow

"While fully sympathizing with the desire for advanced education, the Government see no reason for departing from the existing practice by which recognition is granted special classes wherever sufficient accommodation and an efficient staff are available"

126 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

Publication of the University examination results

"(a) Will the Government be pleased to state if its attention has been drawn to the complaint regarding the inconvenience caused to the examinees to the delay caused in the publication of the results of the Allahabad University examinations?"

"(b) Will the Government be pleased to inquire why the said results were not published at Naini Tal immediately after they had been passed by the Examination Committee?"

"(c) It is a fact that the Committee of the vernacular examination passed the results of the School Final Examination on the 8th May and that these results did not appear in the *United Provinces Gazette* of the 22nd May? Is it a fact that the Committee of the School Final Examination passed the results on the 4th June, 1913, which were not published in the Government Gazette before the 14th June?"

QUESTIONS AND ANSWERS

[Mr. O'Donnell, Rai Gangu Prasad Varma Bahadur, Mr. Tweedy, Mr. Pim]

Will the Government be pleased to issue orders to the Government Press for the early publication of results in future?"

The Hon'ble MR. O'DONNELL replied —

"(a) The attention of Government has not been drawn to any such complaint

"(b) Inquiry is being made from Registrar

"(c) The Vernacular Final Examination results were published in the Gazette of May 24th, otherwise the facts are as stated. In the case of the Vernacular Final Examination very heavy work is entailed in preparing and checking the lists for the press owing to the large number of candidates. This publication cannot be accelerated with safety. In the case of the School leaving certificate Examination an interval of 10 days between the passing and the publication of the results is not excessive. In both cases results can be ascertained before they appear in the Gazette by personal application at the offices of the Registrars. Government do not propose to issue any orders to the press on the subject."

127. The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state the names of the officers severally appointed with reference to rule I of the Board's extant circular No. I, department II, by the revenue officers of Bareilly district to receive plaints, applications or appeals during their respective absence from the head quarters in connection with the cold weather tour of 1912? In the event of no such appointments having been made, will the Government be pleased to draw the attention of the officers concerned to the provisions of the said rule?"

Working of Board's Circular No. I, Department II, rule I, in Bareilly district

The Hon'ble MR. TWEEDY replied —

"Rule 3 of Board's circular No. 1—II was not systematically observed during the last cold weather. The attention of touring officers will be drawn to the matter before the commencement of the next touring season."

128. The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state if it is a fact that certain sub-divisional officers in Bareilly district often dispose of contested mutation cases as well as other similar cases simply on perusal of tahsildars' reports without notice to parties and entirely behind their backs? Will the Government be pleased to prohibit the practice should it on inquiry be found to be prevailing?"

Mutation cases disposed of by sub-divisional officers in Bareilly

The Hon'ble MR. TWEEDY replied —

"It is the case that sub-divisional officers have occasionally disposed of contested mutation cases on the perusal of tahsildars' reports without notice to parties. It is not, however, the general practice and has been resorted to only when the case seemed quite clear. In mutation cases the practice is illegal and the Board will order its discontinuance. It is not known what the 'similar cases' alluded to by the honourable member are, but the Collector will be instructed to see that the law is obeyed in respect of all cases instituted on tahsildars' reports."

129. The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state what officers assessed income tax in the town of Bareilly in 1912, and whether any committee of assessors was associated with the said officers as enjoined at page 38 of the 1911 edition of the Income Tax Manual?"

Assessment of income tax in Bareilly in 1912

The Hon'ble MR. PIM replied:—

"The honourable member is referred to the answer given to question No. 90 asked by the Hon'ble Babu Brijnandan Prasad on the 9th April, 1913."

QUESTIONS AND ANSWERS.

[*Ran Ganga Prasad Varma Bahadur, Mr O'Donnell, Mr Wood, Mr. Burn*]Judicial reorganization
in Kumaun.

130 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Is the Government scheme of judicial reorganization not to be enforced this year so far as it relates to Kumann?"

The Hon'ble MR O'DONNELL replied —

"The honourable member is referred to the answer given to the question asked by him on the 9th April 1913. Efforts are being made to secure temporary accommodation."

Fencing and accidents
on the Rohilkhand and
Kumaun Railway.

131. The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"(a) Is the Government aware that there is no fencing in the Ramnagar-Lalkua section of the Rohilkhand and Kumaun Railway, and that the area between these two places is mostly used for grazing cattle?"

(b) Is it true that heads of cattle have now and then been knocked down by running trains in this line?"

(c) Will the Government be pleased to advise the Company to put up fencing along the line or to request the Governor General in Council to take action under section 13, of the Indian Railways Act (IX of 1890)?"

The Hon'ble MR WOOD replied —

"The answer to (a) is in the affirmative. As to (b) it is true that cattle have occasionally been run over. As to (c) the Railway Board, with whom there was some previous correspondence on the subject, will be addressed regarding fencing of the Ramnagar-Lalkua section."

132 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked :—

Naik girls brought up,
for immoral purposes.

"Will the Government be pleased to inquire and state whether women of the Naik caste in the hills still keep up and bring up girls other than their own daughters for the purposes of prostitution? If so, will the Government be pleased to put a stop to such practice by penalizing it, and also to provide an orphanage or other asylum for such girls where in the absence of better guardians they could be brought up?"

The Hon'ble MR BURN replied —

"Government has recently been making full inquiries into the practices of the Naiks in Kumaun, and has seen no evidence of the custom described by the honourable member."

"There is a definite movement on foot for the reformation of the caste."

Register and inspection
of Naik girls.

133 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state whether it is a fact that a register of girls of this caste is still kept, and whether, before being permitted to enter the ranks of prostitutes, they are still subjected to inspection?"

"Will the Government be pleased to appoint some competent officer to inquire how far the practice referred to above still prevails and issue orders to stop it?"

The Hon'ble MR BURN replied, —

"A Government order was issued in 1911 directing that the registration of Naik girls should be discontinued. Government is not aware that this order has been disregarded, but inquiries will be made."

134 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

Punkhas in Indian
barracks in the Techno-
logical department of the
Thomason College,
Roorkee.

"Is the Government aware that in the newly formed department of technology which has been opened in the Thomason College, Roorkee, arrangements have been made for the accommodation of both European and Indian students? Is Government aware that Indian students have been provided with a barrack which has not yet proper arrangements for ventilation and the rooms have not been provided with punkhas? Will the Government be pleased to order that the difference in the treatment accorded to European and Indian students, mostly of the same social and intellectual status, be removed?"

QUESTIONS AND ANSWERS.

[*Mr. Pim, Ras Ganga Prasad Varma Bahadur; Dr Venis; Mr. O'Donnell*]

The Hon'ble MR. PIM replied.—

"The quarters inhabited by the Indian students are those originally constructed for the students of the technical class and improved on the formation of the higher division, one room being allotted to each student and a bathroom added to each set of quarters. They are mainly objected to by the students on account of their being in the subordinate lines, but are otherwise comfortable. Punkhas are not as a rule supplied to Indian students, but there would be no difficulty in supplying them if desired by the students."

135 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked.—

"Will the Government be pleased to state the number of teachers with less than six years of continuous government service who are occupying the grade of Rs 150 or upwards?"

Teachers in the Rs 150 grade

The Hon'ble DR. VENIS replied.—

"The number of such teachers is twelve."

136 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked.—

"Will the Government be pleased to state the number of trained graduate teachers with over a dozen years of government continuous service who are occupying grades lower than that of Rs 150? Will the Government be pleased to consider the case of these teachers for promotion?"

Trained graduates in lower than the Rs 150 grade

The Hon'ble DR. VENIS replied.—

"The number of teachers under reference is twenty-eight. The claims of these teachers to promotion will not be overlooked."

137 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked.—

"Will the Government be pleased to state the number of teachers (excluding those belonging to aided schools at the time of their conversion into Government high schools) who during the last five years were appointed on a starting salary of Rs. 150 per mensem or more? Will the Government be pleased to give in each case the particulars of race, religion and date of appointment?"

Teachers getting a starting salary of Rs 150 per mensem

The Hon'ble DR. VENIS replied.—

"The number of such teachers is four. One, a Muhammadan, was appointed in April 1909 and resigned in the following year.

Two Hindus were appointed in January 1911 and January 1913 respectively.

One, an Indian Christian, was appointed in July 1912."

138 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked.—

"Will the Government be pleased to state the number of clerks of the Director of Public Instruction's office who during the last five years were transferred to inspecting and teaching lines, with particulars of their present pay and date of appointments? Is the Government aware that these appointments have given rise to grievances to teachers and inspecting officers? Will the Government be pleased to direct that these should not serve as precedents?"

Clerks in the Director of Public Instruction's office transferred to inspecting lines

The Hon'ble MR. O'DONNELL replied:—

"During the last five years five clerks of the Director of Public Instruction's office have been appointed to teaching or inspecting posts. (One M. A., L. T.) was appointed special inspector of Arabic and Persian on July 2nd, 1911, and is now drawing Rs 200 per mensem. A second (B. A., L. T.) was appointed sub. pro tem assistant master, Government High School, Meerut, on the 19th April, 1913, and is drawing Rs 120 per mensem. A third was appointed as sub-deputy inspector on May 11th, 1911, but is now no longer in Government service. A fourth was appointed head master of the Government High School, Allahabad, on the 11th July, 1910, and subsequently, on the 28th May, 1912, inspector of schools in the Provincial Educational Service. He is now drawing Rs 500 per mensem. A fifth was appointed to the post of assistant master at Queen's College, Benares, on January the 10th, 1911, and is now drawing Rs 250 per

QUESTIONS AND ANSWERS

[*Rai Gunga Prasad Varma Bahadur, Mr Burn, Mr O'Donnell, Babu Brijnandan Prasad*]

mensem Government are not aware of any complaints regarding these appointments Government do not consider that the circumstances call for any such direction as that proposed in the last part of the question "

Assistant inspectors and head masters promoted to inspectorships,

139 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Will the Government be pleased to state how many assistant inspectors and head masters of high schools have been promoted to inspectorships of schools within the last five years? Is the Government aware that the inspecting officers feel aggrieved at the supersession of their claims "

The Hon'ble MR BURN replied —

"During the past five years one head master and one outsider have been appointed to inspectorships of schools Government received two protests from assistants inspectors who had not been promoted In making appointments to the post of Inspector the Lieutenant-Governor gives full consideration to the fitness of officers in the Educational department "

Closing of M.A. and M.Sc. classes in the Queen's College, Benares.

140 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Is it a fact that M.A. and M.Sc. classes have been closed this year in Queen's College, Benares, more especially in the course of mathematics? If so, will the Government be pleased to direct the reopening of the law classes and to strengthen the College staff whenever necessary? "

The Hon'ble MR O'DONNELL replied —

"The only post-graduate class that has been closed this session in Queen's College is that of mathematics in the fifth year, and the reopening of this class is under consideration. The points involved in the remaining portion of the honourable member's question do not therefore arise "

Security from the proprietress of the *Herald of India*,

141 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Is the Government aware that the proprietress of the newspaper known as the *Herald of India*, Cawnpore, has been called upon to deposit a security of Rs 500 on the removal of the St Andrew's press from the civil lines to the cantonment? Will the Government be pleased to state whether the security has been demanded on account of certain writings which, in its opinion, were objectionable or because of publication of some articles, as alleged by her, severely criticizing the action of the local subordinate police? Was any warning given to Miss Stewart for the writings complained of? "

The Hon'ble MR BURN replied —

"The honourable member is referred to the answer given to question no 102 Security was taken from Miss Stewart by the District Magistrate on his own initiative It is understood that Miss Stewart had been warned that the tone of her paper was not satisfactory."

Separate block for Moradabad civil courts.

142. The Hon'ble BABU BRIJNANDAN PRASAD asked —

I —Does the Government contemplate the building of a separate block for the civil courts at Moradabad?

II —How far has the proposal progressed?

III —Has any site been selected? "

The Hon'ble MR O'DONNELL replied —

"The matter has not come before the Government yet, but it is understood that it is under consideration by the High Court "

Sukha-Tal (Naini Tal) improvement scheme.

143 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Has the attention of the Government been called to an article in the *Naini Tal Gazette and Lake Zephyr*, dated the 6th August, regarding the Sukha Tal improvement scheme? Is it proposed to make a race-course round the flats, to enlarge the polo area, and to demolish the Assembly rooms? Is the presumption that no football, hockey, cricket or tennis-players would be permitted to use the

QUESTIONS AND ANSWERS.

[Mr. Pim, Rai Ganga Prasad Varma Bahadur, Mr. Burn, Raja Kushalpal Singh, Mr Hutton]

flats true? Will the Government, before finally sanctioning the scheme, be pleased to satisfy itself that there will be no interference with persons who have been using the flats for games and sports?"

The Hon'ble MR PIM replied —

"No scheme has as yet been decided on, and no scheme will be approved by Government until all the interests concerned have had an opportunity of expressing their views"

144 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

"Has the Government received a memorial from certain residents of the villages of Bisai, Makson, Chilon, &c, district Garhwal, complaining of the strictness of the forest settlement operations now going on in the district? Is it a fact that the boundaries of the forests are being fixed just beside cultivated fields and that restrictions are being imposed on reclaiming of uncultivated land, grazing of cattle, taking of dry wood for fuel, &c, for domestic and agricultural purposes? Has the Government been pleased to inquire into the complaint that the extension of forest area in the vicinity of the villages is very prejudicial to the welfare of the agricultural population? Will the Government state what orders have been passed on the memorial?"

Forest settlement operations in Garhwal

The Hon'ble MR BURN replied —

"A number of petitions were received by Government from some inhabitants of Bisai and other villages in the Garhwal district protesting against orders passed in respect of the forest settlement. Some have been returned to the petitioners as they were not accompanied by copies of the orders referred to, and others have been sent to the Commissioner of Kumaon for disposal.

"It is not generally true that the boundaries of the forests are being fixed immediately beside cultivated fields, though this may be the case in a few isolated instances

"Limits are necessarily being imposed by the forest settlement officers on the extension of cultivation, the grazing of cattle and the collection of wood in the forests. These limits, however, are being fixed after full discussion and with due regard for existing rights. Orders of the forest settlement officers are open to appeal under the law, and it is not intended to make further inquiry into the subject"

145. The Hon'ble RAJA KUSHALPAL SINGH asked —

"Has the attention of the Government been drawn to the last but one paragraph of my budget speech made on the 14th April, 1913? Will the Government be pleased to modify the instructions issued in November 1906 in the manner suggested therein?"

Left and flow irrigation rates

The Hon'ble MR HUTTON replied —

"It was some years ago considered desirable in the interests of Government and the cultivators alike to determine definitely those fields which could be irrigated by flow from those which could be irrigated by lift and thereafter assess water rates accordingly

"This system is to the general advantage; on the one hand it protects Government from loss of revenue through fraud or neglect on the part of the cultivator, and on the other hand it protects the cultivator from any risk of oppression on the part of the subordinate measuring staff, since he knows beforehand precisely what rate he will have to pay."

146. The Hon'ble RAJA KUSHALPAL SINGH asked —

"Has the attention of the Government been drawn to the large increase in the number of pigs in the Muttra district? Will the Government be pleased to state what action it intends to take to protect fields from their ravages?"

Pigs in the Muttra district

QUESTIONS AND ANSWERS

[*Mr. Burn, Rai Bishambhar Nath Bahadur, Dr Venis, Babu Balak Ram, Mr Tweedy*]

The Hon'ble MR BURN replied —

"The question of reducing the number of pigs in the Muttra district was considered a year ago. Inquiries will be made as to the success of the measures then adopted, and further action will be taken, if necessary."

147 The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

Government officials
contributing to the
Hume Memorial Fund

"Has the attention of the Government been called to a letter headed 'Hume Memorial and Government Officials' by 'An Indian' in the *Leader* newspaper of 23rd August 1913 (page 6, column 3), and will the Government be pleased to say if it has any objection to any of its officials who may be so minded contributing to the United Provinces Hume Memorial Fund in honour of a late distinguished British official of these provinces?"

The Hon'ble MR BURN replied :—

"The Lieutenant-Governor has no objection to officials subscribing to a memorial of the nature indicated in the letter quoted."

148. The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked :—

Expenditure on female
education at Cawnpore

"(a) With reference to the answer given by the Government to my question asked in the Council Meeting of the 9th April, 1913, about the amount spent by it on female education in the city of Cawnpore, will the Government be pleased to give the details of its expenditure of Rs 160-2-8 per mensem?"

"(b) In view of the fact that the above amount is paltry for a city like Cawnpore, where there is no Government institution for the education of girls, will the Government be pleased to make a substantial increase in it?"

The Hon'ble DR VENIS replied —

"(a) The details of the expenditure of Rs. 160-2-8 referred to are —

| | | | Rs | a | p |
|-------|------------------------------------|----|-----|---|---|
| 1 | M E Mission Girls' Boarding School | .. | 80 | 2 | 8 |
| 2 | S F G Girls' Orphanage, Cawnpore | . | 80 | 0 | 0 |
| Total | | | 160 | 2 | 8 |

"(b) In addition to the direct aid given to these two schools Government has provided funds (Rs 600 per annum) for the reopening of the Model Girls' School, which was temporarily closed in September, 1911, and has recently, in Resolution no 2333, allotted a recurring sum of Rs 3,350 to the Cawnpore Municipality for the extension of primary education, a proportionate share of which will be available for girls' schools."

149. The Hon'ble BABU BALAK RAM asked —

Annual income from
authenticated copies of
orders, decrees, &c., in
high courts.

"Will the Government be pleased to lay on the table a statement for the period of five years from 1908-9 to 1912-13 giving the following particulars —

(a) The annual amount paid by the applicants on account of folios and fees for obtaining authenticated copies of orders, decrees, judgements, statements of witnesses, proceedings, &c., of all rent, revenue, civil and criminal courts in the province of Oudh?

(b) The annual amount spent during those five years in the payment of salaries and fees to copyists and in the cost of establishment and other charges connected with the copying department?"

The Hon'ble MR TWEEDY replied —

"The Board have endeavoured to collect the information asked for by the honourable member and it has been found impossible to obtain the material necessary to supply even an incomplete answer to his inquiries."

QUESTIONS AND ANSWERS.

[*Babu Balak Ram, Mr Tweedy; Mr Pim, Mr O'Donnell.*]

150 The Hon'ble BABU BALAK RAM asked —

"Will the Government be pleased to lay on the table a statement for the period of twelve years from 1901-2 to 1912-13 giving the following particulars —

Annual income from and expenses of mutation cases in Oudh

- (a) The annual amount paid by the parties of mutation cases and proceedings on account of process and mutation fees in the province of Oudh?
- (b) The annual amount spent during those twelve years in the payment of salaries of clerks, &c, maintained chiefly for mutation work in the province of Oudh?"

The Hon'ble MR TWEEDY replied —

"(a) A statement is laid on the table showing the amount of mutation fees realized from 1905-6 to 1909-10 inclusive. Since the latter year no mutation fees have been levied. The amount realized in mutation fines from the years 1905-6 to 1912-13 are also given in the statement. Since no separate staff is maintained for serving mutation processes it is not possible to indicate the amounts received from process fees which can be attributed to processes served in mutation cases.

"(b) No separate staff is maintained for mutation work, and it is clearly impossible to assign any definite proportion of the cost of the whole revenue establishment to mutation work."

(See Appendix XIV)

151 The Hon'ble BABU BALAK RAM asked :—

"Will the Government be pleased to lay on the table a statement for the period of ten years from 1903-4 to 1912-13 giving the annual amount spent in the removal of the Government Secretariat from Allahabad to Naini Tal and vice versa?"

Annual cost of removal of Government Secretariat from Allahabad to Naini Tal and back

The Hon'ble MR PIM replied —

"A statement giving the information required by the honourable member is laid on the table."

(See Appendix XV)

152. The Hon'ble BABU BALAK RAM asked —

"Is the Government aware that the Calcutta and Bombay University authorities intimate to a successful examinee on his inquiry, subject to payment of certain rupees, the marks he has obtained in any subject in the University examination?"

Marks obtained in University examinations

The Hon'ble MR. O'DONNELL replied :—

"The reply is in the negative."

153 The Hon'ble BABU BALAK RAM asked —

"Will the Government be pleased to ask the Allahabad University to adopt the similar practice as it would help the examinee or his guardian in the selection of subjects for the next University examination, while no useful purpose can be served by withholding such information?"

Marks obtained in University examinations

The Hon'ble MR. O'DONNELL replied :—

"The Government do not propose to address the Vice-Chancellor and Syndicate of the University of Allahabad on a matter which it is open to any Fellow of the University to move for discussion in the Senate."

154 The Hon'ble BABU BALAK RAM asked —

"Will the Government be pleased to lay on the table a statement giving the amount, rate of interest and period of repayment of the loans given by the Government to each municipality of these provinces in the last thirty years?"

Loans given by Government to municipalities.

The Hon'ble MR PIM replied —

"The honourable member will find the information he desires in Appendix E of the various annual reports on municipal administration."

QUESTIONS AND ANSWERS.

[*Rana Sir Sheoraj Singh, Mr. O'Donnell, Mr. Pim, Sayyid Raza Ali, Mr. Wood.*]

155 The Hon'ble RANA SIR SHEORAJ SINGH asked:—

Condition of the village
chaukidar

"Has the attention of the Government been drawn to an article published in the *Leader* of August 12, 1913, page 3, complaining against the deplorable condition of the village chaukidar? If so, will the Government be pleased to state whether it proposes to take any action in the matter?"

The Hon'ble Mr. O'DONNELL replied —

"The attention of Government has been drawn to the article referred to by the honourable member. The ease with which village chaukidars are recruited is a sufficient answer to the suggestion that their condition is deplorable."

"The question of their remuneration was considered by the Police Commission of 1902-3, and the Government does not propose to reopen the question."

156. The Hon'ble RANA SIR SHEORAJ SINGH asked —

A dispensary at Bharthana
(Etawah)

"Has the attention of the Government been drawn to an article published on page 6, column 4, of the *Leader* of the 20th July last, complaining against the non-existence of a dispensary at Bharthana, district Etawah? If so will the Government be pleased to consider the necessity of opening a dispensary there?"

The Hon'ble Mr. PIM replied —

"The opening of dispensaries is at the discretion of district boards, and the Etawah Local will presumably consider the needs of Bharthana in this regard in connection with the revision of its contract."

157 The Hon'ble SAIYID RAZA ALI asked —

Acquisition of land by
the Oudh and Rohilkhand
Railway at Shahjahanpur

"Is the Government aware that—

- (a) there are general complaints at Shahjahanpur against the manner in which the land, on which the Oudh and Rohilkhand Railway has started building a short railway line, has been taken possession of by the district authorities,
- (b) this short line, the length of which does not exceed three or four miles, passes through a populated portion of the city, and that a large number of houses have been marked out for demolition, and many of them have already been considerably damaged, and
- (c) it is alleged that a number of pacca tombs were destroyed by order of the local officers?"

The Hon'ble Mr. WOOD replied —

"(a) In deference to local wishes, as expressed in a resolution of the Shahjahanpur municipal board passed in April last (a copy of which is laid on the table), the Oudh and Rohilkhand Railway authorities altered the original plans for an extension of the line from Rosa Junction, and in consultation with the local authorities aligned a siding as desired on the east side of the city into Eholaganj. The Collector began to assist them to acquire the land by private arrangement. This informal procedure was immediately stopped by higher authority, and action has now been taken under Act I of 1894."

"(b) The assertions are totally wrong. The alignment in its entire length of three miles is almost exclusively confined to open ground (fields) and hardly any houses have been touched."

"(c) The Government is unaware of any complaint on this score."

(See Appendix XVI)

158. The Hon'ble SAIYID RAZA ALI asked —

Notification as to the ac-
quisition of land and
building started there-
in

"(1) Will the Government be pleased to state—

- (a) Whether before possession of the land, referred to in question no. 157, was taken by the district authorities, any notification and declaration were published in the *Government Gazette* as required by section 4 and section 6 respectively of Act I of 1894, and, if so, on what dates?

QUESTIONS AND ANSWERS.

[Mr Wood, Sayyid Raza Ali]

- (b) By whose order the boundaries of the land proposed to be taken were marked and the construction of earthworks on such land started ?
- (c) Whether before such construction a plan of the land proposed to be acquired had been submitted to and approved by Government ?
- (d) Whether the Collector issued any notice, and, if so, on what date, in terms of section 9, and whether such notices were served on the occupiers ?
- (e) Whether any compensation has been paid to the occupiers, or an award made by the Collector under section 12 on any other section ?
- (2) If an award has been made by the Collector, will the Government lay on the table a copy thereof ?

The Hon'ble MR WOOD replied :—

- “(1) (a) As explained in the answer to the previous question the Collector began to acquire land by private arrangement. No notification was issued under section 4, Act I of 1894, which is usually applied only in the case of very extensive acquisition or cases presenting special features. The declaration required by section 6 was issued in the gazette of the 23rd August, 1913.
- (b) Proceedings before the issue of the declaration were being taken by the Collector in consultation with the railway authorities and not under the Act, as the Collector thought it possible to acquire the whole land by private arrangement.
- (c) A plan was submitted to and approved by Government before the issue of the declaration under section 6, but not before the Collector first took steps to acquire land privately.
- (d) It is understood that the Collector is now taking action under section 9. He could obviously not do so before proceedings under the Act began.
- (e) The Local Government has no information as to whether any compensation has yet been paid by private agreement. There has not yet been time for issue of an award under section 12.

“(2) Any person interested can obtain in the usual way a copy of the award when made.”

159 The Hon'ble SAYYID RAZA ALI asked :—

“Will the Government be pleased to consider the advisability of abandoning the present alignment of the proposed railway line, and indemnify the occupiers for the loss to which they have been put ?”

Abandonment of the alignment of the railway line.

The Hon'ble MR WOOD replied :—

“The honourable member is again referred to the answer to his question no. 157 (a).”

“The reply to the present question is in the negative.”

160 The Hon'ble SAYYID RAZA ALI asked :—

“(a) Is it proposed to change the site on which the annual *Ram Lila* performance takes place at Shahjahanpur, and is it contemplated to hold the annual fair and performance on a plot of land near the public inn ?

Change of site of the annual *Ram Lila* at Shahjahanpur.

“(b) Is it not a fact that this plot of land is near a mosque and not far from the roads along which the *tazia* processions pass during the *Moharram* ?

“(c) Is Government aware that a number of Musalmans have objected to a site being granted for the *Ram Lila* fair near the mosque, as it may lead to a breach of the peace when the *Dussehra* and *Moharram* fall on the same days ?

“(d) Will the Government be pleased to order an inquiry into the matter ?”

QUESTIONS AND ANSWERS

[Mr Burn, Sayid Raza Ali]

The Hon'ble MR BURN replied —

"(a), (b) and (c) It is proposed to change the site on which the *Ram Lala* is celebrated at Shahjahanpur

"The Lieutenant-Governor understands that the site near the public inn referred to in the question was under consideration at one time, but was rejected, and the site now proposed has met with the universal approval of both Hindus and Muhammadans

"(d) The change in the site of the *Ram Lala* is due to the following reasons
In 1909 a site was acquired for the new Government high school at Shahjahanpur. Objections were made to that site, and in November 1912 the Director of Public Instruction recommended the acquisition of the *Ram Lala* ground with the full approval of the local authorities and residents of Shahjahanpur

"This was sanctioned by Government. Discussions regarding a new site for *Ram Lala* have proceeded amicably since that date, leading Muhammadans having undertaken to give every assistance in finding a suitable place. As the persons most interested, viz principal residents, both Hindus and Muhammadans, have declared themselves satisfied with the proposals made, the Lieutenant-Governor does not intend to order any inquiry"

161 The Hon'ble SAYID RAZA ALI asked —

"With reference to a question put by the Hon'ble Khwaja Ghulam-us-Saqlain on the 13th March 1913, will the Government be pleased to state as to when the second stage of the scheme referred to in the Hon'ble Mr. Burn's reply will be introduced?"

The Hon'ble MR BURN replied —

"The second stage in the regrading of deputy collectors will probably be introduced from 1st March 1914"

162 The Hon'ble SAYID RAZA ALI asked —

"(a) Has Government passed orders on a petition submitted to it by Mrs. R. Stewart, proprietress of St Andrew's Press of Cawnpore, through her counsel, Mr E A Howard, Barrister-at-Law, and if so, have the orders been communicated to her?"

"(b) Will the Government be pleased to state the grounds on which the District Magistrate of Cawnpore thought it necessary to order the proprietress to deposit security?"

The Hon'ble MR BURN replied —

"(a) The answer is in the affirmative. Orders were communicated through Mrs Stewart's counsel

"(b) The honourable member is referred to the answer given to question no 102 asked by the Hon'ble D1 Tej Bahadur Sapru"

163 The Hon'ble SAYID RAZA ALI asked —

"(a) Was Maulvi Fazl-ul-Hasan of Aligarh required to give security for his press on his release from prison?"

"(b) Did Government find any objectionable matter being published in his monthly journal called the *Urdu-i-Mualla*, and was any warning given to him about it?"

"(c) If so, will the Government be pleased to specify the articles that were considered objectionable?"

The Hon'ble MR BURN replied —

"(a) Fazl-ul-Hasan was released from prison in June 1909. His journal, the *Urdu-i-Mualla*, began to appear in October 1909. No security was demanded under Act I of 1910, until May 1913.

Second stage in the increase in the cadre of deputy collectors

Petition from the proprietress of St Andrew's Press, Cawnpore

Security realized from Maulvi Fazl ul Hasan of Aligarh

QUESTIONS AND ANSWERS

[*Sayyid Raza Ali, Mr. Burn, Raja Kushalpal Singh, Mr. O'Donnell*]

"(b) Objectionable articles were noticed by Government on several occasions Fazl-ul-Hasan was warned by order of Government in October 1910, and by order of the Magistrate of Aligarh in February or March 1913, before security was demanded.

"(c) The Lieutenant Governor declines to give further publicity to the articles which were considered objectionable."

164 The Hon'ble SAYYID RAZA ALI asked —

"(a) What is the total number of teachers or professors in the Agricultural College of Cawnpore? How many of these are Muslims?"

"(b) What is the total number of students there at present, and how many of them are Mussalmans?"

"(c) Will the Government be pleased to take steps to increase the number of Muslim professors as well as students?"

The Hon'ble MR BURN replied —

"(a) There are twelve lecturers at the Agricultural College, none of whom is a Mussalman

"(b) There are seventy-seven students, of whom seven are Mussalmans

"(c) Government would welcome a larger number of Muslim students, but must rely upon parents to send their sons to the college

In selecting professors it is necessary to consider the qualifications of candidates and suitable Muhammadans have so far not been forthcoming"

165. The Hon'ble RAJA KUSHALPAL SINGH asked —

"(a) Has the attention of the Government been drawn to the judgement in criminal revision no. 315 of 1897, reported on page 167 of the *Allahabad Weekly Notes* of 1897?"

"(b) Will the Government be pleased to consider the desirability of exemption, under clause (1), section 320 of the Code of Criminal Procedure, persons holding titles not lower in rank than that of Raja or Nawab conferred or recognised by the Government?"

The Hon'ble MR O'DONNELL replied:—

"(a) The answer is in the affirmative.

"(b) The Government will consider the propriety of granting the exemption asked for."

166 The Hon'ble SAYYID RAZA ALI asked —

"(a) Is Government aware of the widespread discontent among the Muslim public caused by the prohibition of a meeting that was to be held on the 16th of August at Lucknow to raise subscriptions to help the sufferers of the Cawnpore disturbance of the 3rd August?"

"(b) Will the Government be pleased to state the reports on which the authorities acted in ordering that the meeting should not be held?"

The Hon'ble MR BURN replied —

"(a) The answer is in the negative

"(b) The Lieutenant-Governor has no information"

167 The Hon'ble SAYYID RAZA ALI asked —

"(a) Is it true that the District Magistrate of Lucknow sent for a prominent member of the Muslim community on the morning of the 16th August and told him that he (District Magistrate) would hold him responsible for whatever would take place that day?"

"(b) Under what law was the Magistrate justified in holding out that threat?"

The Hon'ble MR BURN replied —

"The Lieutenant-Governor has no information."

Number of professors and students in the Agricultural College, Cawnpore

Exemption of Rajas and Nawabs under cl (1), section 320, Criminal Procedure Code

Meeting at Lucknow to raise subscription for Cawnpore sufferers

A prominent Muhammadan of Lucknow held responsible by the District Magistrate for any disturbance.

QUESTIONS AND ANSWERS

[*Sayid Raza Ali, Mr Burn, Mr. O'Donnell*]

168 The Hon'ble SAIYID RAZA ALI asked —

Facilities for raising
subscriptions for Cawn-
pore sufferers

"Will the Government be pleased to issue instructions to the district officers asking them to place facilities in the way of the organizers and workers of the movement to raise funds in aid of the Cawnpore sufferers, and, at any rate, to do nothing which may be construed into a discouragement of their lawful efforts?"

The Hon'ble MR. BURN replied —

"The Lieutenant-Governor has no reason to believe the district officers will do anything to discourage lawful action, and he considers no orders on the subject are required."

169. The Hon'ble SAIYID RAZA ALI asked —

Editor, *Al Hikal*, sent
away from Cawnpore

"(a) Has the attention of Government been drawn to the report published in the *Urdu* press that Mr Tyler ordered the editor of *Al Hikal* on the 10th August to leave Cawnpore by the first train he could catch?"

"(b) If the report is true, will the Government be pleased to state under what law Mr. Tyler made the order?"

The Hon'ble MR. BURN replied —

"Government has seen the reports referred to by the honourable member. The Lieutenant-Governor understands that no such order was given."

170. The Hon'ble SAIYID RAZA ALI asked —

Dismissal of the Editor,
Muslim
Gazette,
Lucknow.

"(a) Is Government aware of the news published in the Urdu press that the District Magistrate of Lucknow sent for the proprietor of the *Muslim Gazette* and demanded the immediate dismissal of the editor on pain of the proprietor being prosecuted criminally, if he failed to do so, and that in consequence the editor's services were dispensed with?"

"(b) Is the news correct?"

"(c) If so, will Government be pleased to call upon the Magistrate to explain under what law he purported to act?"

The Hon'ble MR. BURN replied —

"The facts are not as stated in the question. A copy of a translation of a statement in which the proprietor and publisher of the *Muslim Gazette* explained to the District Magistrate his reasons for dismissing the editor is placed on the table"

(See Appendix XVII.)

171 The Hon'ble SAIYID RAZA ALI asked —

A commission to inquire
into the Cawnpore dis-
turbance.

"Will the Government be pleased to state whether it is intended to appoint a commission to inquire into the entire question of the disturbance at Cawnpore on the 3rd August, when the cases now pending in courts of law come to an end."

The Hon'ble MR. BURN replied —

"The Lieutenant Governor is unable to make any statement until the cases now pending are decided."

172 The Hon'ble SAIYID RAZA ALI asked —

Appearance of accused
persons in hand cuffs in
courts

"What are the rules regarding an accused person appearing in hand-cuffs during the trial in a court of law? Is it discretionary with the court to order that the hand-cuffs be taken off when the accused appears before it, or is there any rule putting the matter beyond the court's discretionary power?"

The Hon'ble MR. O'DONNELL replied —

"The rule is that hand-cuffs shall be taken off prisoners in court unless the presiding officer otherwise directs."

173. The Hon'ble SAIYID RAZA ALI asked:—

High schools having
district committees

"Will the Government be pleased to lay on the table a statement showing—

(a) The names of the Government high schools in the United Provinces for which district committees have been appointed?

(b) The number of members of each of such committees? and

(c) How many Muslim members there are on each such committee?"

QUESTIONS AND ANSWERS

[Dr Venis, Sayyid Raza Ali, Mr. Burn, Colonel Manifold.]

The Hon'ble DR VENIS replied —

“The information required is placed on the table”

(See Appendix XVIII)

174. The Hon'ble SAYYID RAZA ALI asked —

“Will the Government be pleased to state—

(a) Why, on the district and sessions judge of Meerut proceeding on leave, was not the temporary promotion given to the additional district and sessions judge of that place, and why was it considered necessary to appoint a junior civilian to the post by transferring him to Meerut from another district?

Additional Sessions Judge, Meerut, superseded

(b) What experience of a district and sessions judge's work did the civilian judge have prior to his temporary promotion as a judge at Meerut?

(c) What are the total periods of active service of the civilian judge and the additional district and sessions judge respectively?”

The Hon'ble MR. BURN replied —

“When the district and sessions judge of Meerut proceeded on leave the additional judge obtained temporary promotion from the 4th to the 3rd grade in accordance with his seniority in the gradation list. The transfer of a civilian judge to Meerut was dictated by considerations of policy and did not affect the temporary promotion of the additional judge.

“The civilian judge before his transfer to Meerut had previously officiated as sessions and subordinate judge for three weeks and as district and sessions judge for twelve weeks and had a total active service of eight years and five months.

“The additional judge had a total active service of twenty-five years ten months.”

175. The Hon'ble SAYYID RAZA ALI asked —

“Will the Government be pleased to state what is the total number of tahsildars that have been approved for deputy collectorships this year, and how many of these are Hindus and how many Musalmans?”

The Hon'ble MR. BURN replied —

“Eleven tahsildars have been selected this year for appointment as deputy collectors. Of these eight are Hindus and three Muhammadans.”

Tahsildars approved for Deputy Collectorships for 1913

176. The Hon'ble SAYYID RAZA ALI asked —

“(a) Has the attention of Government been drawn to the *Agra Akhbar* of the 14th August 1913 (page 6, column 2) complaining against an order of the Principal of the Agra Medical School, who has refused to allow students to join the *Tarawih* prayers?”

Prohibition of Muslim students from joining the Tarawih prayers

“(b) Will the Government be pleased to take such steps as may insure to the Muslim students the full opportunity to observe their religious commandments?”

The Hon'ble COLONEL MANIFOLD replied.—

“The Principal has issued no order with reference to *Tarawih* prayers this year, and there has been no application from the students with reference to *Tarawih* prayers this year.

“The students have their own mosque in the hostel grounds which they are at liberty to attend at any time, and they were informed last year by the Principal that they could attend *Tarawih* prayers in the city if they returned by 9-30 at night.”

177. The Hon'ble SAYYID RAZA ALI asked:—

“(a) With reference to the rules published in the *United Provinces Government Gazette* (part III, pages 95 to 102), dated the 8th March, 1913, is Government aware that the majority of the men who are performing

Education of Sanitary inspectors.

QUESTIONS AND ANSWERS

[*Mr. Pim, Munshi Mahadeo Prasad, Mr. O'Donnell, Colonel Manifold*]

the duties of sanitary inspectors at present do not possess a knowledge of English that would enable them to study in English the books and subjects a list of which is attached to the rules?

"(b) In view of the fact that rule 8 does not empower the municipal boards to dispense with the services of the inspectors employed before the 1st April, 1913, will the Government be pleased to modify the rules and allow the instruction at King George's Medical College, Lucknow, to be given in Hindustani as well as in English, so that a large body of competent men who have distinguished themselves by long service may not be deprived of the benefits of the system detailed in the rules?"

The Hon'ble MR PIM replied —

"(a) The Government have no information on this subject, but a considerable number of the present staff are being sent up for training

"(b) The question is not fully understood, but the Government sees no reason to duplicate the course at King George's Medical College."

Prospects of compounders not in provincial or district board service

178. The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state what measures it has been settled to adopt towards the betterment of prospects of service of compounders who are neither in the provincial nor district boards' service, as contemplated by the triennial report of hospitals and dispensaries of those provinces for the years 1905, 1906 and 1907, page 7, paragraph 14?"

The Hon'ble MR O'DONNELL replied —

"The Lucknow and Gonda district boards have agreed that contributions from the funds from which compounders of the class referred to are paid should be credited to the Boards, and the compounders be regarded as pensionable servants. The Maharaja of Balrampur also has agreed to the formation of a provident fund for the compounders employed in the Balrampur dispensaries. In the case of four other private institutions, it has not been found possible to establish a provident fund for or make arrangements for the grant of pensions to the compounders attached to those."

179. The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state if compounders are permitted to carry on private practice after hospital hours?"

Compounders permitted to carry on private practice

The Hon'ble COLONEL MANIFOLD replied —

"Compounders are not debarred from engaging in private practice provided and in so far as this does not interfere with the discharge of their official duties."

180. The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state if compounders are required to do office work in addition to dispensing of medicines? If so, will it be possible to relieve them of the office work under the present arrangements?"

Compounders required to do office work

The Hon'ble COLONEL MANIFOLD replied —

"Compounders being whole time servants may be employed in any manner required by proper authority within their own branch of duty. They are sometimes required to do clerical work in hospitals and are also expected to undertake urgent clerical work in civil surgeons' offices in the unforeseen absence of a clerk. It is not proposed to alter the existing practice in this respect."

181. The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state if it would be possible in the near future to increase the starting pay of compounders, in view of the fact that they are whole time servants and are required to possess certain qualifications under rule 172 of the Government rules relating to hospitals?"

Increase of the starting pay of compounders

QUESTIONS AND ANSWERS.

[*Mr. O'Donnell, Munshi Mahadeo Prasad, Mr. Burn, Mr. Straight,*
Dr Venis]

The Hon'ble MR O'DONNELL replied —

"The Government do not at present contemplate any revision of the starting pay of compounders"

182 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"(a) Will the Government be pleased to state the number of sub-divisional officers that have to live at the district head quarters and those that have to live at the head quarters of their sub-divisions in these provinces?"

Sub divisional officers living at district or sub-divisional head quarters

"(b) What is their respective number in other provinces?"

The Hon'ble MR R BURN replied —

"(a) There are 196 sub-divisional officers in this province. Of these 60 reside at the head quarters of their sub-division. In forty-eight of these cases the head quarters of the sub-division are also the head quarters of the district."

"(b) The Lieutenant-Governor has no information regarding the position in other provinces."

183 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state how many Hindu and Muhammadan executive officers (deputy magistrates and tahsildars) have been exempted from passing the examination prescribed for them during the last five years?"

Executive officers exempted from passing the prescribed examination

The Hon'ble MR R. BURN replied —

"During the last five years seven deputy collectors and two tahsildars have been exempted from passing the departmental examination. Of the seven deputy collectors two were Hindus and five Muhammadans. Both the tahsildars were Muhammadans."

184 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state how many police inspectorships are held at present by Hindus and Muhammadans respectively? What was their number a decade previously?"

Hindu and Muhammadan police inspectors

The Hon'ble MR. STRAIGHT replied —

"The information asked for is available in the Civil Lists, to which the honourable member is referred."

185 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Has the attention of the Government been drawn to the amount of surpluses of scholarships attached to the Queen's College, Benares, as published in the Government Gazette of the 9th August, 1913? Will these surpluses be allowed to accumulate or disposed of? If the latter, then in what way?"

Surpluses of scholarships in the Queen's College, Benares

The Hon'ble DR VENIS replied —

"It is understood that in accordance with orders regulating trusts, the surplus monies are either being utilized by increasing the amount of scholarships or adding to their number, or are accumulating for investment to increase capital."

186 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Is the Government aware that there is no 5th year class in M. Sc in Queen's College, Benares, and that scholars who had applied for admission were refused? What was this refusal due to? Is it not due to the fact that the College staff is insufficient?"

Fifth year M.Sc class in the Queen's College, Benares

The Hon'ble MR O'DONNELL replied —

"The honourable member is referred to the answer given to question 140."

187 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state why the number of marks allotted to each question is not printed on the examination papers of the Allahabad University as is done in some of the other universities? Could it be possible to do the same on the University and the school-leaving certificate examination papers?"

Printing of marks on University question papers

QUESTIONS AND ANSWERS

[Mr. O'Donnell, Munshi Mahadeo Prasad, Dr. Venis]

The Hon'ble MR O'DONNELL replied —

"It is understood that the University of Allahabad intend to adopt the arrangement to which the honourable member refers. The Central Board for the school-leaving certificate examination will be asked to consider the question of adopting a similar arrangement."

188 The Hon'ble MUNSHI MAHADEO PRASAD asked —

Maximum number of answer books examined by an examiner.

"Will the Government be pleased to state the maximum number of University Examination answer books examined by an examiner of the Allahabad and of the Calcutta Universities respectively during the last three years? What is the time limit fixed by both the Universities respectively for the return of such books and marks of the examiners?"

The Hon'ble DR. VENIS replied —

"The maximum number of University Examination answer books examined by any one examiner of the University of Allahabad during the last three years is 1887 (made up of M. A., B. A., Intermediate and Matriculation papers)

"In the case of Matriculation and Intermediate Examinations 55 days are allowed from the commencement of the examination to examiners for sending in the marks, and one week extra for returning the answer books, and in the case of degrees examinations 41 days, and one week extra for returning the answer books.

"In regard to information about the Calcutta University relative to the points abovementioned, an inquiry has been made from that University through the Registrar of Allahabad, and their reply is awaited."

189 The Hon'ble MUNSHI MAHADEO PRASAD asked :—

Number of scholars in the Muir Central College, Allahabad and Queen's College, Benares.

"Will the Government be pleased to state the number of scholars in each subject in each of the college classes of the Queen's College, Benares, and the Muir Central College, Allahabad? What is the number of seats for scholars fixed in each subject in both the institutions respectively?"

The Hon'ble DR. VENIS replied —

"As required, statements are placed on the table. According to the recommendations of the Syndicate the number of students in college class or section of a class should not exceed sixty in any circumstances and preferably should be limited to forty-five (vide minutes of the Syndicate—4th April, 1908)."

(See Appendix XIX.)

190. The Hon'ble MUNSHI MAHADEO PRASAD asked —

Training classes for Pandits and Maulvis.

"Will the Government state if it contemplates to open training classes for pandits and maulvis?"

The Hon'ble DR. VENIS replied —

"A class has been opened for maulvis and pandits in the Training College, Lucknow"

191. The Hon'ble MUNSHI MAHADEO PRASAD asked —

Moderators of examination papers.

"Will the Government be pleased to state if there are moderators of examination papers in the Allahabad University as in the Calcutta University? Is there any rule requiring a certificate of conformity to the general standard for each examination paper in the Allahabad University by the Board of Examiners?"

The Hon'ble DR. VENIS replied:—

"For an answer to the first part of his question the honourable member is referred to the calendar issued by the University of Allahabad. In regard to the latter part of the question, it is understood that the various Boards of Examiners make every effort to secure uniformity of standard, but are not required to make a formal declaration to that effect."

QUESTIONS AND ANSWERS.

[*Munshi Mahadeo Prasad, Mr. O'Donnell, Lala Sukhbir Singh, Babu Brijnandan Prasad.*]

192 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state the principle why (a) the marks obtained by a candidate at an examination of the Allahabad University are not communicated to him if so desired, (b) a re-examination of answer papers in special cases under special circumstances is not allowed by the local University?"

Communication of marks and re-examination of answer papers.

The Hon'ble MR. O'DONNELL replied —

"The points (a) and (b) raised by the honourable member were recently considered by the Syndicate of the University of Allahabad on a representation made by the citizens of Benares. At a meeting held on the 22nd April, 1913, the Syndicate found no reasons to alter existing rules, but resolved that in regard to any scrutiny of the correct addition of marks obtained by an examinee, discretion should be left in the hands of the Vice-Chancellor, provided that all such applications for scrutiny were supported by the recommendation of the candidate's Principal or Head Master.

"The Government do not see any necessity for further inquiry."

193. The Hon'ble LALA SUKHBIR SINGH asked —

"Has the attention of the Government been drawn to an article in the *Leader* of 17th August last headed 'Ministerial establishment of Additional Judges?' Is the Government aware that additional judges have separate districts in their charge and case work equal to judges to perform, but their offices are undermanned and underpaid?"

Munsarims in the courts of additional judges.

"Does the Government know that munsarims of these courts are munsarims and translators combined in one, that they are inadequately paid in comparison to the amount of work they are required to do, and that they are not given half the salary paid to the munsarims of the judge's court or even as much as head clerks and translators in the same office?"

"Will the Government be pleased to see the desirability of removing these grievances?"

The Hon'ble MR. O'DONNELL replied: —

"(a) The District Judge is the officer in charge of the whole of a judgeship. An Additional Judge has not got separate charge of any portion of a judgeship.

"(b) The Government is not of opinion that the offices of additional judges are undermanned or underpaid.

"(c) The munsarim in the court of an additional judge, whose proper designation is assistant munsarim, has also to do translation work, but having regard to the work and responsibilities attaching to the post the Government does not consider that these officials are underpaid. Their responsibilities can be in no way compared to those of the munsarim of the District Judge.

"(d) The Government is not prepared to admit that any genuine grievance exists."

194. The Hon'ble BABU BRIJNANDAN PRASAD asked: —

"(a) Will the Government be pleased to state if any committee was appointed to consider the advisability of charging fees from patients attending Government dispensaries?"

Fees from patients in Government dispensaries.

"(b) If so, what was the constitution of the committee?"

"(c) Has the committee come to any decision and submitted its report?"

"(d) Will the Government be pleased to publish the report before passing its own orders?"

The Hon'ble MR. O'DONNELL replied —

"(a) The answer is in the affirmative.

"(b) The members of the committee were—

QUESTIONS AND ANSWERS

THE UNITED PROVINCES TOWN AREAS IMPROVEMENT BILL, 1913.

THE UNITED PROVINCES LOCAL RATES BILL, 1913.

[*Mr. O'Donnell, Sayyid Raza Ali, Mr. Burn; Mr. Pim*]

Lieutenant-Colonel J K Close, I.M.S.

" W Young, I.M.S.

Dr. Ram Charan, Civil Surgeon, Ballia.

P Harrison, Esq, Chairman, District Board, Bareilly.

A. B. Hoide, Esq, Chairman, District Board, Lucknow.

Hon'ble Rai Ganga Prasad Varma Bahadur, Lucknow.

Hon'ble Munshi Asghar Ali Khan, Khan Bahadur, Bareilly.

Rai Mahendia Nath Ohdedai Bahadur, Lucknow

Dr. D. R. Ranjit Singh, Private Medical Practitioner, Allahabad.

(c) The report has not yet been submitted

(d) The Government can make no statement until it has seen the report."

The Hon'ble SAYYID RAZA ALI said:—

"Under rule 12 of the Council rules may I beg for Your Honour's permission to put a supplementary question with reference to my question no. 169 that has been answered this morning by the Hon'ble Mr Burn?"

Permission having been granted, the Hon'ble Sayyid Raza Ali put the following supplementary question:—

"Will Government be pleased to make inquiries whether the report referred to in question no. 169 is correct?"

The Hon'ble MR BURN replied:—

"The honourable member is informed that inquiries were made. The Lieutenant-Governor understands that no such order was given."

THE UNITED PROVINCES TOWN AREAS IMPROVEMENT BILL,
1913

The Hon'ble MR PIM presented the report of the Select Committee on the United Provinces Town Areas Improvement Bill and moved that the Bill be republished and that the report of the Select Committee be taken into consideration at the next meeting of the Council. He said —

"The action which I have proposed to-day with reference to the Town Areas Improvement Bill is purely formal. A printed report of the Select Committee of the Legislative Council has already been circulated to honourable members. It gives a full description of the changes, which are both numerous and important, which have been made in the Bill and concludes with the recommendation that it should be republished. With this I think the Council will agree, as the scope of the Bill has been greatly extended and its whole arrangement has been changed. I will therefore only move that the report be taken into consideration at the next meeting of Council and that the Bill be republished."

The motion was put and agreed to

THE UNITED PROVINCES LOCAL RATES BILL, 1913.

The Hon'ble MR PIM moved for leave to introduce the United Provinces Local Rates Bill. He said:—

"I ask for permission to introduce the United Provinces Local Rates (Amendment) Bill of 1913. It is unnecessary to say anything much about the object of the Bill, which is simply intended to enable us to take advantage of the recent concessions made by the Government of India. It provides that the whole of the receipts may now be made over to district boards, and, as far as possible, no changes have been made in the Bill except the single one of reducing the total rate leviable in Oudh from 5½ per cent to 5 per cent. In other respects it is intended to alter the existing practice as little as possible. I therefore ask for permission to introduce the Bill."

The motion was put and agreed to.

QUESTIONS AND ANSWERS.

THE UNITED PROVINCES LOCAL RATES BILL, 1913.

THE UNITED PROVINCES STEAM BOILERS AND PRIME MOVERS BILL, 1913.

[Mr. Pim, Mr. Shahid Husain, His Honour the President, Mr. Wood]

The Hon'ble MR PIM then introduced the Bill and moved that it be taken into consideration at the next meeting of the Council.

The Hon'ble MR. SHAHID HUSAIN said :—

"I think the next meeting of the Council will probably be held in November, and I do not think that the Bill is such a simple one as my learned friend has put it. Oudh might be tempted by the suggestion that the rates are being reduced from $5\frac{1}{2}$ per cent to 5 per cent. But the question whether the chaukidari rate ought to have been weighed by the zamindars is one that has been laid before the Government several times before, and is one on which we will have something to say when the matter comes up, that it is going to be abolished and it is to be met by the Provincial funds. The question is whether Oudh, instead of having a reduction of $\frac{1}{2}$ per cent, is not going to have an addition of $2\frac{1}{2}$ per cent. I think, Sir, that we ought to have an opportunity of considering the Bill and also of making any suggestions which we may have to offer as to the increased rates in Oudh. I submit that the time will be too short. Anyhow, it is not known when the next meeting of the Council is going to be held. If it is going to be held in November, I certainly think that more time ought to be given to the people of Oudh to consider the question."

[HIS HONOUR THE PRESIDENT — "Does the honourable member intend to move an amendment?"]

"I do not know when the next meeting of the Council is going to be held. If it is to be held in November, then I move an amendment to the effect that the Bill should not be taken into consideration at the next meeting of the Council."

[HIS HONOUR THE PRESIDENT — "Can the honourable member move a substantive amendment, for instance, that the Bill should be circulated?"]

The Hon'ble MR. SHAHID HUSAIN then moved that the United Provinces Local Rates Bill, 1913, be circulated for the purpose of eliciting opinion thereon.

The motion, being accepted by the Hon'ble Mr Pim on behalf of the Government, was put and agreed to.

THE UNITED PROVINCES STEAM BOILERS AND PRIME MOVERS BILL, 1913.

The Hon'ble MR. WOOD moved that the United Provinces Steam Boilers and Prime Movers (Amendment) Bill, 1913, be withdrawn.

The motion was put and agreed to.

The Hon'ble MR. WOOD moved for leave to introduce the United Provinces Steam Boilers and Prime Movers Bill, 1913. He said :—

"I rise to ask permission to introduce a Bill to amend the law providing for the inspection of steam boilers and prime movers attached thereto, and for the management of the same by a competent person. The Statement of Objects and Reasons at the end of the Bill explains generally the necessity of legislation. A more detailed account of the changes in the law, which the Bill is designed to introduce, will be found in the report of the Select Committee. To that Committee a bill amending the present Act was referred, and this Bill is the result of its deliberations and of its recommendation advising the repeal of the old Act and re-enactment in the form of the present Bill. The objects of the amending Bill, which this Council referred to the Select Committee, were described in the Statement of Objects and Reasons attached to that amending Bill. It is, however, desirable to recall them to your memories. Briefly speaking, they were three in number. The first was to insure that boilers subsequent to their being licensed should not be used otherwise than in a proper condition, or otherwise than in

THE UNITED PROVINCES STEAM BOILERS AND PRIME MOVERS BILL, 1913

[Mr Wood]

charge of a competent mechanic. The Select Committee has retained the provision designed to effect this object, and you will find it in section 10 of the proposed Bill. Except for a slight alteration in drafting, the section suggested has not been altered. The second object was to prevent boilers subsequent to licensing being substantially altered without due authorization. The sections of the new Bill designed to effect this object are sections 14 and 15. They depart from the section as originally suggested in two important particulars. They except from the necessity of sanction alterations which merely consist of the substitution of a duplicate, or of another part or fitting of equal strength and efficiency. They also provide that if the inspector neglects to pass any orders on an application for alteration within ten days, he shall be deemed to have sanctioned the alteration. The third object was to provide for reports being made in the case of an accident to a boiler which might interfere with its efficiency, or had occasioned injury to person or property. This object is effected by section 16 of the Bill. This also differs materially from the section suggested in the amending Bill. It follows the English law and the Indian Factories Act, 1911, in not requiring any report unless the injury to the boiler or to any person is a serious one. The standard of severity is to be measured by the number of hours for which the boiler is put out of action or during which the person is incapacitated.

"I will now deal with other new provisions of the Bill which are concerned with matters of principle.

"In clause 29 power has been given to the Local Government to extend any or all of the provisions applicable to steam boilers and prime movers to combustion engines. It may be that in the near future it will be found necessary to exercise some control over such engines. For instance, if serious accidents occur, it may be necessary to provide for a report of them and for an inquiry in respect of them. It is hoped that this provision may possibly defer any necessity for dealing with such engines in a separate Act.

"In clause 3 a provision has been inserted with the object of securing that boilers are placed under the effective control of qualified engineers or engine-drivers, and of providing against any risk of an owner evading the spirit of the Act by placing an engineer or engine-driver in mere nominal control of his boiler or engine. The question whether the control is in any particular case effective will be one of fact, but its decision by the court is made to depend upon professional opinion in the matter.

"In clause 11(d) conviction of an offence under the Act is made a ground for revocation of a licence. The power of revocation is permissive and is not likely to be abused.

"In clause 12 a defect in the old Act has been remedied. The old Act did not allow an Inspector to require any alteration or addition as the result of any inspection other than an inspection for granting or renewing a licence: although it gave him power to make such intermediate inspections. This section gives the Inspector power to require an alteration the necessity of which is disclosed by an intermediate inspection.

"A considerable alteration in procedure has been carried out in clauses 13, 14, 16, 18 and 19 of the Bill. Following the principle adopted by the Indian Factories Act, 1911, certain acts or omissions, which the old Act required an owner to do or forbear from doing, are prescribed or forbidden generally irrespective of the person responsible for their commission or omission. The penal clauses render the owner primarily responsible for their commission or omission, but permit him to escape responsibility where he can justly throw the blame on to some other person.

THE UNITED PROVINCES STEAM BOILERS AND PRIME MOVERS BILL, 1913

[Mr Wood]

" Clause 21 is designed on the lines of section 45 of the Factories Act to limit the penalty in the case of repeated offences. It contains two important exceptions.

' Clause 24 reproduces, with many minor improvements, the appeal section of the old Act.

' Clause 25 enacts that the Act shall apply to boilers and prime movers belonging to the Crown, copying a similar provision in the Indian Factories Act.

" Clause 26 affords protection to persons acting under the Act in good faith, and follows a similar provision in the Indian Factories Act.

" Clause 27 has been designed to reproduce the saving clause of the old Act, which excepted boilers on locomotives and boilers on prime movers on steam vessels from the operation of the Act. The present clause exempts also stationary boilers on railways. Inasmuch as it is not found feasible to inspect such boilers through the agency of the Government Inspector, the provision of the existing Act has been evaded by appointing railway officials Inspectors, but this appears undesirable.

" It will be seen that section 9 of the present Act finds no place in our Bill. Since the Act was in force this section has only been used twice. It could not therefore be defended on the ground that it afforded relief to Government Inspectors. Again, it was felt that it could not be defended on the ground that engineers of the first class were so qualified as to make interference by an inspector unnecessary. This argument was inconsistent with the powers of inspection given under section 13 of the Act to an inspector. The idea of any engineer being allowed to license his own engine was repugnant to the basic idea of the Act, that state intervention and inspection were necessary to safeguard the public. The conditions have changed since the time when this section could serve any useful purpose. The section may have been useful to tide over the introduction of state inspection of boilers, but is no longer necessary now that the principle and machinery of state inspection are fully established. The committee has therefore decided to recommend the repeal of this section.

" Apart from questions of principle it is hoped that the arrangement and drafting of the Bill will be found superior to those of the existing Act. The arrangement has been made to follow as closely as possible that of the Indian Factories Act, 1911.

' The drafting also of many clauses is assimilated to that of corresponding sections of the Factories Act dealing with the same or a similar subject matter. In the case of other clauses the language of the existing Act has been altered with a view to attaining greater precision or brevity. As it will be necessary that the Bill, if you approve of its introduction, should be published, it will be necessary to constitute a Select Committee to consider any objections, but in view of the care already expended on the Bill the labours of such Select Committee should be light.

" In conclusion, on behalf of myself and the other members of the Select Committee I wish to thank my friend the Hon'ble Mr. Ashworth for the immense amount of time and labour he has expended on drafting the new Bill."

The motion was put and agreed to.

The Hon'ble Mr. Wood then introduced the Bill and moved that it be referred to a select committee consisting of the following members —

The Hon'ble Mr. Ashworth,

" Mr. Ledgard,

" Mr. Mackinnon,

" Rai Nathi Mal Bahadur,

" Munshi Asghar Ali Khan and the mover.

The motion was put and agreed to.

RESOLUTION

[*Lala Sukhbir Singh*]

The Hon'ble LALA SUKHBIR SINGH moved the following resolution, namely, "that this Council recommends to the Government that it may be pleased to appoint a committee of members of the Council under rule 13 of the Council Regulations to consider and draft a Bill to prevent minor boys and girls from being turned into beggars, mendicants or *sadhhus* during the period of their minority either by the parents who make them over to the so-called *sadhhus* or by *sadhhus* who make them such by force or false representations"

He said —

"There was a time in India when people used to go to the abodes of learned Brahmins and the hermitages of *sadhhus*, where they made them offerings for their support, but now, what a pity it is to find that millions of people in India live as professional beggars on the misdirected charity of others and are always found begging in streets and public places. They do not devote their time and their faculties to reading and writing or to any religious pursuit, but pass an idle life which is in most cases impious, immoral and of evil influence to the community at large. Leading an idle and impious life themselves they are not only a burden to the country but also try to make others lead a similar life.

Yāshām nā vidyā nā tapō nā danām gyānam nā shilam nā gunu nā dharmā,
Tā muntyu lokā bhuvī bhābhuta manushyā rupān munigash charanti

(Bhāiti niti Shatkam)

Which means "Those persons who have no education, practice no austerity or charity, have no true knowledge or gentle disposition, virtue or religiousness, are a mere burden to the earth, men in form but beasts in nature."

"They do not like to work and earn a living as labourers in the fields or by engaging themselves in any of the industries, but have rather become unproductive consumers and dependants upon the earnings of others, thereby increasing the poverty of the nation. Under the Hindu Law great stress is laid upon the precept that no alms should be given to unworthy persons, and it is declared that though a man shall receive reward for the gift properly given, yet on the contrary he shall get punishment for charity improperly bestowed. Manu and other lawgivers have described the persons who are worthy of receiving alms. Those are—persons who devote their whole time to learning, teaching or to religious pursuits and who have no time left to earn their livelihood, those who suffer from any bodily or mental disease, defects or infirmities, and those who suffer from any calamity like famine, pestilence, &c. The same, I believe, holds good in the case of the Muhammadan and Christian religions also. But nowadays many of the religious precepts and injunctions are not properly followed, and the result is lamentable, otherwise, there would have been no need of any such legislation on the subject as I ask for to-day.

"During the census of 1901, fifty two lakhs of beggars declared themselves professional beggars, besides thousands of others who lived by begging though they did not declare themselves as such. In the Census Report of 1911 the classifications have been so arranged that it is impossible to find out the exact number of these professional beggars. But we all know from our daily experience that the number has been increasing, and so it will be safe to assume it for the sake of calculation to be 50 lakhs. Supposing that this number is fifty lakhs in the whole of India, let us see what it costs to the country. If for each person the lowest possible average of expense be taken at Rs 3 per month, they cost Rs 1½ crores per month, or Rs 18 crores per annum. And if they could have earned say at least two annas per day per head or Rs 4 a month, they would have earned Rupees two crores a month or 24 crores a year, that is to say, they cost the country 3½ crores a month or 42 crores a year, which, considering the poverty of the country, is not an insignificant amount. If the rich people had been wise enough they could

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[*Lala Sukhbir Singh*]

have forced these idle persons to earn their livelihood, and then could have devoted their own well earned money to helping on many useful works like education or industries. Is it not a most serious question for consideration, Sir, and is it not desirable to adopt suitable measures for reducing this large number of professional beggars by stopping at least the minors from becoming beggars, or so called *sadhus* or *fakirs*, who under the disguise of religion lead an idle and vicious life and commit all sorts of crimes?

"As regards these provinces alone I find from the Census Report of 1911 that the number of such beggars (including vagrants, procurers, prostitutes, receivers of stolen goods, cattle poisoners) is not less than five lakhs (page 426). I could not find out the exact number of beggars, but it may safely be assumed that there are about four lakhs of persons who go about begging and eventually become habitual offenders.

"When this country was governed by Hindu rulers it was one of their sacred duties to attend to such matters. The policy of our benign British Government has always been, and justly too, one of strict neutrality in all religious matters. But whenever any custom or rite has been found to be pernicious to society, the Government has not shrunk from its responsibility of interfering and putting a stop to it. The abolition of sati, infanticide, and slavery, as well as the fixing of the age of puberty, or in other words the marriageable age, may be cited as instances.

"It is found that a large number of minors, both boys and girls, are trained as beggars and criminals who go about begging in streets or public places under the disguise of *sadhus*. We find lots of such boys in Benares, Allahabad, Ajodhya, Hardwar, Rukhikesh, Muttra, Bundaban and many other places. I think it is the duty of our paternal Government, as well as of the people, to save these minors from leading a life of doubtful character. Some of the minors are taken away by regular scoundrels from their homes without the consent or knowledge of their parents or guardians, for some, the consent of the parents or guardians is obtained by false representation or by threats, such as, that the child will die after a certain age if not given over to him, and so on. In some cases the minors leave their homes in disappointment or despair. Such are the cases that deserve the care and attention of the Government. This state of affairs is not justified by any Hindu, Muhammadan or Christian Law. When the parents are not allowed to sell their children or offer them for sacrifice, or treat them inhumanly in any other way, why should they not be prohibited from making them over to men of bad character who do nothing else for them but teach them begging. Such minors contribute a great deal towards the increase of the number of professional beggars and criminals and by this imposture bring even the genuine *sadhus* into discredit. If a stop be put to it, the number of beggars will undoubtedly go down and the whole lot of educated *sadhus* will hail the change as a great boon to them.

"It may be said that some boys become good *sadhus* and useful members of the society. It may be true, but such cases are very rare, and even then it is against the ordinance of Manu, who has divided the life of man into four parts of 25 years each—the first part of 25 years as *Brahmacharya Ashram*, the second 25 as *Grhस्था*, the third 25 as *Vanaprasth*, and the fourth as a *Sunyas*. From this it is apparent that a minor boy or girl has ordinarily no right to become *sadhu* or *sunyas* unless he or she has undergone the first three stages or is gifted with any unusual and special faculty by the grace of God.

"Some minor boys are made over by their parents to different *mathas*, where they are brought up as *sadhus*. To this we have not much objection, as they are fed there and are given some sort of education. These *mathas* were originally public orphanages and schools in old times though, of course, they are not so well managed now.

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[*Lala Sukhbir Singh*]

"There is another class of minors who are orphans and who are driven to begging merely because they do not get protection and support from any quarter.

"Sometimes girls are dedicated to a shrine or temple, where they do nothing but beg and lead an immoral life. My friend Pandit Anantnaram, Vakil, Dehra Dun, went to Badrinath in June last, and gives the following description of some girls at Batemri nadi, near Gopishar —

"All the girls are below 10 years of age and beg alms at the doors of different little temples existing there. This drew my attention, and on inquiry I found that girls are given over by their parents to the temples and when they grow up they very often go down country and turn into prostitutes. They are chiefly from Makkor village, somewhere in that vicinity, where it has become a sort of custom for such persons to give away at least one of their girls in this way. I made further inquiries and found that the girls are in the same way presented by their parents living in the surrounding villages to the temples of Guptakashi, Agast Muni, Tirjugi Narayan, Akhnath and Kunjnath, and they all turn prostitutes. I have no doubt in my mind that a good many of these girls are taken away down country by people who carry on such trade and are sold there either to prostitutes or to other persons who marry them at their houses. It is in a way good fortune for those who are sold to such persons as will marry them, but on the whole it is very bad, both legally and morally and ought to be checked. It forms no portion of Hindu religion and if it be discontinued by passing an Act on the subject it will be a very good thing. As far as I was able to ascertain no such thing prevails at Badrinath, nor did I notice such a thing at Kedarnath, hence it is clear that it is no portion of Hindu religion."

"My revered father the Hon'ble Rai Nihal Chand Bahadur wanted to bring this matter before the Government in 1905, and therefore consulted a good many gentlemen, and even high class *sadhus*, on the subject. All of them were of opinion that minor boys and girls should not be allowed to become beggars or *sadhus* and that it was an ever-growing evil which should be stopped as soon as possible.

"In the Council meeting of the 22nd January, 1912, I asked the following question —

"Is the Government aware that many minor boys are turned into *sadhus* against their will, either by the parents, who give them to *sadhus*, or by *sadhus*, who make them such by force? Will the Government be pleased to take steps for some suitable legislation to stop this forced conversion of minors?"

"The Hon'ble Mr. Hose replied —

"The Lieutenant-Governor is not aware that the facts are as stated in the question. There have been occasional statements in newspapers that parents hand over their children to *sadhus* and thus make them useless members of society. But there has been no substantiation of these statements, or any practical step suggested for dealing with any evil that may exist. The subject is one on which the Hindu community has special knowledge and in which it is specially interested. In the Lieutenant-Governor's opinion action by the State can only follow, and should not precede, action by the community to which these religious mendicants belong, and it seems obvious that such action should be of a general character and not confined to the area under a particular Local Government. Subject to these considerations the Lieutenant-Governor will be willing to examine any definite case in which complaint can be made and any definite suggestion made for dealing with them."

"Since then I have been making further inquiries and have consulted a good many friends and also some honourable members of this Council and find that there is a demand for legislation on this subject. Only a few days ago two minor boys about ten years old came to me at Muzaffarnagar begging for alms. I asked them

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[Lala Sukhbir Singh]

why they had become *sadhus*. They replied that they were *chelas* of a *guru*. I sent them to the police for making an inquiry about them, but the police could not deal with them and they were let off. Such cases are of daily occurrence, and I believe many of my honourable colleagues in this Council might have come across such cases. My honourable friend the Inspector-General of Police also will, I believe, be able to testify to this Council with how many young boys the police has to deal as criminals for pick pocketing and other crimes, especially in *melas* and other public gatherings.

"Permit me, Sir, at this stage to thank this Government for the Resolution No. 2985/VI—640, dated the 2nd August, 1913, issued for the establishment of courts for the trial of juvenile offenders. This reform has come not a day too soon, and we cannot be sufficiently thankful to Your Honour for this. I trust and pray that the same humane consideration which led this Government to bring about the aforesaid reform will also lead it further into considering the claims of the minors at large whose case I am now putting before this Council.

"Now, Sir, I think this evil can be met in two ways—first by stopping minors, by means of legislation, from begging in streets and public places, and secondly by providing orphanages and industrial schools for them.

"As to the second there are already some orphanages and more will be provided by the Government or by public charity when there will be greater demand for them. But it is for the first that I beg to move this Council to appoint a small committee to make necessary inquiries and if they find a demand for legislation on the subject, to draft a Bill on something like the following lines—

(1) To render it punishable for any person to cause or encourage a minor under the age of 18 years to beg in any street or public place or to have with him when begging any such minor. For this purpose it would be desirable to follow the general outlines of the legislation in England on the subject of idle and disorderly persons, rogues and vagabonds and incorrigible rogues. The offence should therefore be rendered punishable on the first conviction with a fine of fifty rupees or rigorous imprisonment for one month, or both. On the second conviction with a fine of one hundred rupees or rigorous imprisonment for three months or both, and on the third or any subsequent conviction with a fine of two hundred rupees or rigorous imprisonment for one year.

(2) To render it punishable for any minor under the age of 18 years to beg in any street or public place. For this purpose begging by any such minor should be made punishable on first conviction with a fine of fifty rupees or rigorous imprisonment for one month or both, and on the second and any subsequent conviction with a fine of one hundred rupees or rigorous imprisonment for three months or both.

"A minor so convicted would be a 'youthful offender' and the ordinary law relating to the release of first offenders, to transfer to an orphanage or industrial or reformatory school and to sentences of whipping by way of school discipline, would apply.

(3) To provide for removing minors from the custody of persons likely to cause or encourage them to beg in any street or public place, and to provide for minors who for want of proper guardianship may be driven to begging. For this purpose it would be desirable to follow the general outline of the legislation in England relating to commitment of children to industrial schools or orphanages. Any magistrate of the first class might be empowered to commit any such minor to the Reformatory school or to any orphanage approved by the Government, if the minor—

(a) is found begging or receiving alms (whether actually or under the pretext of selling or offering anything) or being in any street or public place for the purpose of so begging or receiving alms, or

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[*Lala Sukhbir Singh, Munshi Mahadeo Prasad*]

(b) is found wandering and not having any home or settled place of abode or proper guardianship or ostensible means of support, or

(c) is found destitute, either being an orphan or having a surviving parent who is undergoing transportation or imprisonment

(4) To render it punishable for the parents or guardians to make over any of their minor children to professional beggars or so-called *sadhus* or to dedicate them to any temple or shrine or sell or make them over for prostitution, on first conviction with a fine of fifty rupees or rigorous imprisonment for one month or both and on second or any subsequent conviction with a fine of one hundred rupees or rigorous imprisonment for three months or both

"I should remind the Hon'ble Council here that I do not mean at all to interfere with the *sadhu* class or with grown up beggars. What I desire is that provision should be made for the protection of minors who are made beggars in the disguise of *sadhus* before they reach their age of puberty and are found begging in streets and public places. I venture to hope that all will agree as to the importance of this question and will vote in favour of this resolution."

The Hon'ble MUNSHI MAHADEO PRASAD said —

"When I got a copy of this resolution for the first time and considered over it, I thought it would be quite useless to seek legislation in the light of the resolution as it is worded. I considered, and I do still consider, that no parent would like to give his infant boy to a *sadhu* simply with a view that he should be made a beggar or a mendicant, and if a *sadhu* makes a boy a *sadhu* by force or misrepresentation, he can be properly dealt with under the provisions of the Indian Penal Code. But what generally happens is that a *sadhu* who is in possession of some property and also has a begging profession in addition, seeks to adopt a boy to train him up in his cult from his infancy and thus to fit him to continue the line of succession and inherit his property. In such cases the poor parent willingly gives his boy in adoption. The legislation aimed at would interfere with the parent's right of guardianship. Further, if the resolution were brought into force, it would also mean hampering the devolution of properties of *sadhus*. He may like, as generally happens, to leave the same to a *chela* whom he has reared up and trained in his cult from his very boyhood. I am afraid that in time the line of succession of *sadhus* holding properties (some times of large value) may become extinct, and the question may arise what would become of the property left by him. Should it be left to escheat to Government, or is it to be applied to some religious or educational institution or other work of public utility, and if the latter, then in what way? Questions like these came to my mind and I thought I should oppose the resolution.

"But, Sir, after considering the fact that the *sadhus* in general, whether they hold properties or not, are of no use to the country and are in one way or the other a burden to the community, and in many cases suck the very life-blood out of the people, and believing in the fact that this resolution may lead to a consideration of the same by other Governments, and also believing that the committee to be appointed will weigh all the above facts in support or otherwise of the resolution, I made up my mind to support it.

"I may submit, for Your Honour's consideration, that in religious places like Benares, Hardwar, Ajudhia, Allahabad and many others, these *sadhus* have generally proved a pest, and do so every day. It is in the interests of society that the number of *sadhus* be controlled. The useful purpose for which the *sadhus* and their *maths* came into being in the good old days has ceased to exist. *Maths*, over which *sadhus* were given a dominating power, were institutions where education used to be imparted, and the ablest man was chosen to be the head or nominated for succession by the last incumbent. Special modes of living suited to conditions of celibacy

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[Maharaja of Balrampur, Rai Bishambhar Nath Bahadur]

and service to the public were enjoined and special instruction imparted to the succeeding *sadhu* or *mahant*, so that he might prove most useful to the country and community that provided for him. But, Sir, all these things have become of academic interest, and its practical side virtually falls into disuse. It will be a great boon to the public if legislation with all possible safeguards were effected and things set in their old position. After some time the number of the so-called *sadhus* is bound to diminish, and succession will have to be governed according to the old practice, thus relieving the country of maintaining irresponsible and undesirable persons and furnishing more funds for the material development of the country. With these few remarks I beg to support the resolution."

The Hon'ble the MAHARAJA OF BALRAMPUR said —

"I would say a few words in support of the object of the resolution just moved by my friend, the Hon'ble Lala Sukhbir Singh.

'The olden days of India were noted for spiritual researches, and the *Rishis* and *Munis* of those days devoted the whole of their lives to spiritual progress. They shunned worldly pleasures and pursuits, as sources of sorrow and pain, and lived most simple lives, never desiring more than what was essential for bare existence. They used to preach to the public principles of high morality and virtuous life and the public had for them all the reverence and honour due to a saint. These saints devoted themselves so entirely to spiritual work that even the time required for earning the bare necessities of life, was regarded by them as so much time wasted. Consequently their wants, pure and simple as they were, used to be looked after by the charitable public.

"The present state of the degeneration of the *sadhu* class is most deplorable. The honourable member quotes 52 lakhs as the number of professional beggars returned in the census of 1901. A large number of these are no doubt an undesirable class of people, who not only pass their existence in idleness and indulge in intoxicants of all sorts, but are also a source of danger to the public. Most of them, however, have, more or less, been compelled by force of circumstances to this sort of life, having been made *sadhus* when they were minors and too young to choose a course of life for themselves. They might have been able to do a lot of good to themselves and to the community, had they not fallen into the clutches of the so-called *sadhus*.

"The object of the resolution is therefore highly laudable, and I would recommend that a committee be appointed to investigate into the matter and to suggest practicable measures to remedy the evil."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR said —

"I have great pleasure in supporting the resolution which has been so ably moved by my friend the Hon'ble Lala Sukhbir Singh.

"Sir, the number of beggars and religious mendicants in this country is indeed appalling. It is true, there are some genuine and deserving cases amongst them, but it is also true that the vast majority of them are idlers who have made begging their profession and on pretence of religion live on the earnings of others. These parasites of society constitute a social and economic evil which is not confined to any one part of the country. In fact, the *sadhu* question is an All-India question and as such should more appropriately have been discussed in the Supreme Council. But as these provinces have their own share in the supply of this unproductive and inert mass of humanity, my friend, the honourable mover of the resolution, is not a day too early in bringing the subject to the notice of this Hon'ble Council. Sir, according to the last census report, the number of beggars, vagrants and prostitutes in our provinces is 496,518. A considerable number of the members of this class are the so-called *sadhus* who swell their ranks by constantly drawing fresh recruits from society. Minor boys are decoyed to join them by false representations, or foolish and credulous parents are made to part with their

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[*Khawaja Ghulam-us-Saqlain*]

innocent children by preachings contrary to every religion. Sir, I am not going at this stage and here to discuss the religious aspect of the question, which will no doubt be thoroughly gone into by the committee prayed for in the resolution. Your Honour, I would only submit that minor *sadhus* are a curious phenomenon peculiar to this country, and it is a pity that the State should allow them to be what they are by either letting irresponsible persons ensnare them by unlawful means or by practically permitting parents to dispose of their children in any way they choose, as if children were no better than mere chattels belonging to the parents. If the existence, therefore, of a vast number of idlers in any society is a source of mischief and weakness to it, I would earnestly request the Government to look into this affair and with this end in view to appoint a committee of members of this Hon'ble Council to consider and draft a Bill to prevent minor boys and girls from being turned into beggars, mendicants and *sadhus*.

"I heartily commend the resolution to Your Honour's acceptance"

The Hon'ble KHAWAJA GHULAM US-SAQLAIN said —

"Your Honour, I think there could be very little difference as to the resolution moved by my friend the Hon'ble Lala Sukhbir Singh, but it seems to me that as a resolution it is of a unique nature in this Council, because there have been very few instances of legislation in the history of India that have directly affected the question of social reform. The era of social reform, as is well known in India, was introduced by Lord William Bentinck of imperishable memory, when the subject was brought to the notice of the Government of India by that noble son of this land, Raja Ram Mohan Roy, that was the time when *Sati* was abolished. Later on we find that the next Act that refers to social reform is the Age of Consent Act, which was chiefly brought to the notice of the public by the late Mr. Malabari—the Parsi reformer—who did a good deal for the Hindus of Western India. There was also some attempt for social reform in one sense when our late leader Sir Sayyid Ahmad Khan moved and got passed an Act for semi-compulsory vaccination, and after that I find that there is a void in the legislation, so far as social reform is concerned, because Government rightly thinks that it is not for it to interfere in the matter, and that unless and until public opinion is ready and public opinion presses the Government to undertake certain reforms, the Government should not interfere.

"As regards the history of the beggary question I may remind this Hon'ble Council that the Indian Social Reform Congress or Conference, which is always held together with the Indian National Congress, has passed for the last 25 or 26 years resolutions intended to discourage begging in India. Later on we find that the Rev Mr. Murdock—a great reformer and missionary in Madras—in his work *India's needs* has also brought the question to the notice of the public, but very little was done. My humble self started in 1903 an association, and induced the Muhammadan Educational Conference to establish a social reform section, and it was established in 1903 when the Delhi Coronation darbar was held by Lord Curzon. The Association had four objects. One of the four objects was that begging should be discouraged, and every person should be asked to do something for his living, and that non-productive citizens should be, as far as possible by the force of public opinion, driven out of the social circle. Later on Maulvi Syed Karamat Husain wrote a pamphlet called *الاجناس الإنتاجية* i.e. 'productive units.' He discussed this question from the point of view of Herbert Spencer's theory of evolution, suggesting that earnest efforts should be made by every Indian and Musalman that no Indian should remain without doing something for his livelihood. My Association published a pamphlet called 'Kharat,' and thousands of copies in 1905 were circulated gratis in India for the same object, and I think about 20 articles were published in the '*Asr-i-Jadid*,' a deceased monthly which I edited till four years ago.

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[*Mr Burn, His Honour the President, Pandit Moti Lal Nehru*]

So that the question is not new, and the question is of vital importance I have great pleasure in supporting the resolution moved by the Hon'ble Lala Sukhbir Singh I think that the fear of an honourable member that the *sadhus* may not be able to adopt will not come true, because my friend does not intend, and no legislation can intend, to disentitle any person to adopt sons for himself or adopt disciples. A man of property can always adopt, and no interference in Hindu law could be allowed. So far, Sir, I was supporting the resolution of my honourable friend, but 'it never rains but it pours,' I have also sent a notice of an amendment, or rather an addition, to Mr Porter, and with Your Honour's permission I will read the words which should be added to this resolution for the consideration of the Committee that is to be formed about these minors. The words which I propose to add are. 'And also to consider the advisability of a Bill and draft the same to prohibit the sale of intoxicating liquors and of cigars and cigarettes to minors under the age of 16'

The Hon'ble MR BURN said —

"I beg to move a point of order in connection with what the Hon'ble Khwaja Ghulam-us-Saqlain has just read out. His proposal is that a committee be appointed to inquire into, and report on the question of forbidding the sale of intoxicants, of cigars or tobacco, to minors. I think, Sir, with reference to rule 15 of the rules for discussion of matters of public interest, that this is a question not connected with the resolution before the Council."

HIS HONOUR THE PRESIDENT said —

"The point of order takes objection to what the honourable member has described as an addition. It is not, I take it, moved as an amendment, and I presume the honourable member has been influenced by the consideration that an amendment is to be something cognate to the original substance of the resolution. It does in effect become an additional resolution, and, quite apart from the fact that a resolution as such requires 15 days' clear notice, it is, I think, so entirely distinct from the substance of the original proposal that it would be somewhat unfair to ask the Council to consider it, or the Government to arrive at a decision as to the method of treating it, without a little more notice than we have had. Through an accident in the post, the honourable member's notice of this addition was not received by me till last night, and it has been consequently impossible to put it on the agenda paper. I would suggest for the honourable member's consideration that he would move this as a substantive resolution at the next meeting of the Council. If the Council adopts it, it can be referred for consideration to the same Committee as will be dealing with the resolution now on the notice paper."

The proposed addition was, therefore, not pressed.

The Hon'ble PANDIT MOTI LAL NEHRU said —

"The members who have preceded me have made it quite clear that the evil of which the honourable mover complains of is a real and grave one, and it is not my intention to trouble the Council with more than has already been said to make out that it is a real danger. It is only with reference to the remarks made by the last speaker, the Hon'ble Khwaja Ghulam-us-Saqlain, that I wish to make one or two observations. The question appears to be one whether it is within the province of this Government to devise the necessary means to extinguish evils which exist. Now, the Hon'ble Khwaja Sahib was pleased to say that there has been no social legislation ever since the days of the late Raja Ram Mohan Roy, and that in fact he suggested it would be rather going out of the way for a Council like this to go into the matter, although he ended by supporting the resolution of my honourable friend. The only reason why I stand up is to state in a few words that I do not agree with that view. So far as the attitude of this Government is concerned, at least so far as was disclosed in the answer given by the Hon'ble Mr Hose to the question of the honourable mover, the attitude of the Government of Sir John Hewett appeared to

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[*Pandit Moti Lal Nehru, Dr Tej Bahadur Sapru*]

me to be, in the first place, that all reforms of this nature must begin with the people, and secondly, that the evil complained of being of such general character that it really prevailed throughout the whole of India, it would not be within the province of the Provincial Council to legislate upon the matter. It was not contested even then that the matter was of such a social character that no legislative council would take it into consideration except by the consent of the people concerned. Now I submit that my view of the matter is that it is more a matter for the Government to take into consideration than for society at large. It is an understood rule of all civilized Governments that minors are the wards of the State, and if there are any practices prevalent in the country which have a tendency to corrupt their morals or to demoralize them, or make them unfit to be worthy citizens, it is the first and the foremost duty of the Government to take them in hand and, so far as it lies in their power, to stop those malpractices. I submit that it is an existing rule in all civilized countries, and I do not see why the taking care of minors in the way suggested by my honourable friend should not come under that rule. It is true that society can help in working the rule, but society left alone without the help of legislation can do practically nothing. It can only declare itself, I submit, as it has done to-day in this Council, and there should not be any fear in this Government of any religious feeling being wounded when this resolution finds among its supporters such orthodox Hindus as the honourable mover, the Hon'ble Maharaja of Bahampur and others who have spoken. So that, so far as the function of the Government is concerned, it is not merely a thing which the Government will be doing to effect a social reform, but it is a thing which comes within the purview of the legitimate action of the Government. Now as to the matter being of a general character affecting the whole of India, it is true that we cannot root out the evil entirely from the whole country by any legislation we may arrive at in this Council, but I see no reason why we should not take the initiative. If other provinces are not quite alive to the evil which is complained of, there is no reason why we should shut our eyes to it, and that being so, I submit that it will be a proper thing for this Council to take this in hand and to give effect to such reformation as is recommended by the committee which is asked for by my honourable friend. At least so far as these provinces are concerned, I submit that the modest demand made by my honourable friend may meet with Your Honour's acceptance."

The Hon'ble DR TEJ BAHADUR SAPRU said —

"I attach some significance to the fact that this resolution should have been moved, not by a corrupted Hindu like myself, but by an orthodox Hindu like the Hon'ble I. Ala Sukhbir Singh. It seems to me significant that this resolution should have been moved in this Council first of all. It has been said by some previous speaker that the resolution relates to a matter which concerns all India. But it is forgotten that these provinces have the unique pride that they possess within their jurisdiction some of the largest and the holiest places of Hindu worship, like Benares, Muttra and Hardwar, where people gather together from all parts of India, and I believe the evil is most rampant in these provinces, where *sadhus* have greater opportunities of capturing young children, both male and female. My friend the honourable Munshi Mahadeo Prasad expressed some sort of alarm at the prospect of the race of *sadhus* becoming extinct if legislation of this sort was undertaken by the Government. I can assure my friend of my feelings that if the time comes when not a single *sadhu* is left in the country, I, for one, shall not shed any tears over the extinction of the race. Incidentally reference has been made to the attitude of the Government towards a question of a social character like this. I do not think my friend the Hon'ble Khrwaja Ghulam-us-Saqlan was quite right in his history about this particular matter, and I do not think it fair on the Government to say that the Government did progress in this direction up to a certain stage and then stopped.

RESOLUTION

[*Dr. Tej Bahadur Supru, Kunwar Aditya Narayan Singh, Sayyid Raza Ali*]

Undoubtedly, in the previous years of British rule in India, especially in the first half of the 19th century, there was a great desire on the part of the Government to take the lead in the matter of social reform. For instance, it was not only during the time of Lord William Bentinck that *sati* was abolished, but we find that in 1850 or thereabouts two or three measures were passed which still form the subject of admiration on all platforms of social reform in India. Undoubtedly, during the last quarter of a century the progress in this direction has been very slow, but I do not wholly blame the Government. At times we find that the cry of religion and society being in danger is raised rather too abruptly and for purposes which are not wholly honourable to those who raise that cry. I, for my part, do think that it is a matter in which not only the people are interested, but also the Government is interested. In a matter like this the Government should take the lead, because, after all, it is not so much a question of religion as it is of national well being, because you cannot feel happy at the prospect that India after 25 years hence may multiply a race of beggars. We are already looked down upon as a nation of beggars, and I certainly do not contemplate with pleasure the prospect of *sadhus* being multiplied in this country. There is one word more to add before I sit down, and it is this. The resolution says —

‘That this Council recommends to the Government that it may be pleased to appoint a committee of members of the Council under rule 13 of the Council Regulations to consider and draft a Bill to prevent minor boys and girls from being turned into beggars, mendicants or *sadhus* during the period of their minority either by the parents who make them over to the so-called *sadhus* or by *sadhus* who make them such by force or false representations.’

“I cannot make any substantive suggestion at this stage for penalizing begging in the streets, but having regard to the terms of the resolution, I have nothing more to say than that I cordially support it.”

The Hon'ble KUNWAR ADITYA NARAYAN SINGH briefly intimated his support to the resolution.

The Hon'ble SAYYID RAZA ALI said —

“I rise to give my unqualified support to the resolution that has been moved to-day by the Hon'ble Lala Sukhbir Singh. In considering the terms of the resolution it seems to me that there are three points which should be considered and regarded before we arrive at any conclusion. The first point which has been put forward in a general way before the Council is whether it is desirable that any action should be taken by the Government of our provinces when we know that a Bill on similar lines is under the consideration of the Government of India. That Bill, as we all know, was circulated last year for opinions, and opinions have now, if I am not mistaken, been sent up to the Government of India. Well, as a matter of fact, in certain matters we are far behind other provinces; for example, in matters educational, we are truly backward indeed. Considering that a very large number of holy places are situated in our province, I think that it is but proper that action in this matter should be taken by the Government of these provinces with the advice and assistance of the people. So that objection, it seems to me, does not hold good. The second point is whether the evil is grave enough to justify any action in this direction. As to that, as has been pointed out by the honourable mover and his supporters, there is no doubt that the evil is very great indeed, and looking to the figures that have been quoted to-day, I think it is time that this resolution should be passed and a committee should be appointed, though, unfortunately, I do not quite follow the rule under which the Committee is to be appointed. The honourable mover referred to rule 13 of the Council Regulations. Anyhow it is time that some body of selected persons be appointed to make inquiries and submit a report on the matter. The third point, it seems to me, is

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[Saiyid Raza Ali, Mr Burn]

whether the provisions of the Indian Penal Code are sufficient to meet all cases Your Honour, it seems to me that the provisions of the Indian Penal Code, namely sections 363 and 366, are quite inadequate to deal with cases of this nature. I think that it is very necessary that legislation should be undertaken in this direction, not the cumbrous mode of the Penal Code but rather in some summary manner, less complicated than they are detailed in the Penal Code to deal with cases which come under the terms of the resolution. I must confess that I am not prepared to follow or to agree with the punishments provided or the ages indicated by the mover which should come under the resolution. It seems to me that 18 years in the case of boys is too high an age to fix, that would no doubt be all right in the case of girls, but it seems to me that 18 years is a very high age indeed when the case of boys is concerned. Well it may very well be that the age limit be reduced to 16. Anyhow this is a matter of detail. So far as the question of principle is concerned, I support heartily the resolution that has been moved to-day by my honourable friend Lala Sukhbir Singh."

The Hon'ble MR BURN said —

"It appears to me that the honourable members who have spoken in favour of this resolution have not altogether realized the far-reaching possibilities of the experiment on which they wish the Government to embark. Looking back at the history of the subject in England we find that for the last 350 years Government has been struggling with the problem of pauperism, and it is apparently not much nearer a solution than it was at the beginning. The honourable mover of this resolution proposes to start by dealing with the begging of minors only. This is a question which has been pressed on the consideration of the Local Government at various times since 1905, and the view which Government has always taken is that, in the first place there was not sufficient evidence of the extent of the evil to justify action being taken, and secondly, that no feasible scheme of dealing with the evil, if it was shown to exist in any appreciable extent, had been put forward. I understand that Your Honour is now prepared to appoint a Committee which will inquire into the whole question, and, if it finds itself in a position to do so, will submit a draft Bill for dealing with the question. It is perhaps admissible to make a few remarks in view of the prospective appointment of such a Committee. Neither in the speech of the honourable mover, nor in the speeches of those who have followed him, has there been any attempt to deal with the question of how the genuine *sadhu* is to be distinguished from the *pseudo-sadhu*. The honourable member who has brought forward this motion has expressly stated that he does not mean to interfere with the *sadhu* class at all. It is not quite clear from his speech whether he will allow the genuine *sadhu* to adopt *chelas* of tender age. I suppose no Hindu looks up to the skies and sees the pole star without remembering the story of Dhruva and how he became a *sadhu* at the tender age of five.

"Another question which has not so far been ventilated is that of the machinery for arresting offenders, if begging is made an offence under the Act. Is such a question to be left to the police, or is there to be a special force enrolled to arrest beggars? The Hon'ble Saiyid Raza Ali has discussed the question whether the Penal Code is sufficient. I have, however, noticed no reference to section 173 of the Municipal Act, under which any one who begs importunately in a municipal area can be punished. It would have been interesting if some of the members who represent the municipal bodies in these provinces had given their experience of the working of that section. There is one lesson which I think can clearly be learnt from experience in western countries, and that is that mere punitive measures will be quite useless without the provision of means of reformation. The honourable member is in favour, I

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[*Lala Sukhbir Singh, His Honour the President*]

believe, of the establishment of more orphanages and poor houses, but if a campaign against begging is to be carried out, not only in towns but in villages, the organization which will be required to deal with the unfortunate orphans and minors will be an elaborate one."

The Hon'ble LALA SUKHBIR SINGH said —

"I beg to thank the honourable members very much for the attention with which they have listened to my resolution, and the cordial support which they have accorded to it. The Hon'ble Mr Burn has raised two or three points in his speech which I think I should explain. The first is whether *chelas* or *sadhus* will be interfered with. In my resolution I do not mean to interfere with such *chelas*. The *sadhus* may have as many *chelas* as they like, but they should not allow them to go out and beg, but they may keep them in their *chatras* or *mathas*, and if they are found begging they may be caught and sent to some reformatory school or orphanage and the *sadhu* or *guru* would be punished. The Act should not deal with any *sadhu* who adopts such *chela* or minor. The other point is that whether this offence should be made cognizable or not. This is a matter which I think a committee should inquire and should see whether it should be made cognizable or not. So far as I am concerned, I think it should be made cognizable. Otherwise no one will take the trouble of reporting such cases. Section 173 of the Municipal Act about begging on public streets has quite a different meaning, it means those persons who beg as lepers or by force, and that section does not cover the case of minors or others. He said that the number of such minors will be found so big that it would be quite unmanageable to provide them with orphanages or schools. I think the number of such minors will not be so much in villages. The larger numbers are found in big places like Allahabad, Benares, Muttra and others, and in these places I think there would be no difficulty in opening new orphanages or schools, because the Council knows well how much endowed property there is in such places, the income from which is lakhs and crores of rupees. If the people will find it necessary to have more orphanages, then I think there will be no difficulty to have them. There is another point which was raised by the Hon'ble Sayid Raza Ali. He said that such a Bill was under the consideration of the Government of India. So far as I know, no such Bill has been or is under the consideration of the Government of India. I am very thankful to the honourable members for the manner in which they have taken this resolution."

HIS HONOUR THE PRESIDENT said —

"Gentlemen of the Council—There seems to be practical unanimity in reprobating the disreputable and immoral features of the *sadhu* system, or rather of the system which is loosely described by, and which acquires an undesirable and unworthy asylum under, the honourable name of *sadhu*. But unanimous though you may be on the principle, we are also, I think, in our minds equally unanimous as to the great practical difficulties of carrying out the prevention which the honourable mover of this resolution desires to establish. Some of these difficulties have been pointed out by the Hon'ble Mr. Burn, and others will occur to all of us, especially to those of our number who are familiar at first hand with the working of the law. Still, that the evil is real and serious, seems to be beyond all question, and it appears to me that, when a problem of this nature is placed before the highest legislative body in the province, it is the duty of that body to listen to it with sympathy and to give it the best consideration that it can. It is desirable that questions of this sort should be ventilated, and that the skill and the energy and the talents of members of this Council should be devoted if possible to finding a practical solution. The Government has, therefore, decided to accept the resolution."

RESOLUTION.

[*His Honour the President*]

HIS HONOUR THE PRESIDENT then put the motion, which was unanimously carried

HIS HONOUR THE PRESIDENT continued.—

“In compliance with the unanimous recommendation of the Council, I have pleasure in appointing a Committee consisting of the following honourable members —

The Hon'ble Pandit Moti Lal Nehru,
 The Hon'ble Babu Moti Chand,
 The Hon'ble The Maharaja of Bahampur,
 The Hon'ble Saiyid Raza Ali,
 The Hon'ble Khwaja Ghulam-us-Saqlan,
 The Hon'ble Rai Ganga Prasad Varma Bahadur,
 The Hon'ble Saiyid Muhammad Abdur Rauf, and
 The Hon'ble Lala Sukhbir Singh, Chairman,

to consider the question raised in the Resolution which was moved to-day by the Hon'ble Lala Sukhbir Singh.”

The Council was then adjourned *sine die*.

NAINI TAL
 The 15th September 1913. }

W K PORTER,
Secretary, Legislative Council,
United Provinces.

APPENDIX I

[*Cf Question no 6*]

No. G /202, dated Allahabad, the 18th February 1913.

From—The Hon'ble Mr C F DE LA FOSSE, M A ,

Director of Public Instruction, United Provinces,

To—Inspectors of Schools, United Provinces.

SIR,—I have the honour to invite your attention to this office circular no. 1, of 1907, dated the 1st August 1907, regarding cigarette-smoking among school-boys, and to inform you that it is complained that the orders contained therein are not now carried out. I would therefore ask you kindly to refer head masters and deputy inspectors of schools to the complaint, and to ask them to take steps to give effect to the standing order on the subject

COPY forwarded to the Principal, Training College, Allahabad, for information, and necessary action.

E. A. RICHARDSON, M A ,
Asst. Director of Public Instruction,
United Provinces.

APPENDIX II.

[Cf Question no. 15]

Statement showing the places and the number of cattle slaughtered for the
Burma dried-meat trade for the year 1912-13.

| Division | District | Place | Number of cattle slaughtered. |
|--------------|--------------|------------------------------------|-------------------------------------|
| Meerut .. | Bulandshahr | Mauza Gahilpur, tahsil Anupshahr | 2,000 |
| | Aligarh | { Aligarh . Sikandra Rao . | 39,510 7,089 |
| Agra .. | Muttra . | { Sadabad . Muttra . | 1,680 1,750 |
| | Agra . | { Jharua nala (Itmadpur tahsil) | 26,460 |
| | | { Firozabad . | 600 |
| | | { Itmadpur . | 140 |
| | | { Khandauli (Itmadpur tahsil) | 45 |
| | Etah . | { Phati Dharti (Agra tahsil) .. | 4,015 |
| | | { Shajawipur (tahsil Aliganj) | 500 |
| Rohilkhand . | Bareilly | { Bareilly . | 13,172 |
| | | { Faridpur . | 500 |
| | Shahjahanpur | { Shahbazznagar mauza | 5,806 |
| | | { Jahanganj Rasulpur near Lodhipur | 2,500 |
| | | { Satti Chaure . | 2,300 |
| | Moradabad | { Sambhal . | 758 |
| | | { Bhojpur . | 2,000 |
| | | { Amroha . | 1,680 |
| Allahabad .. | Fatehpur | { Fatehpur | 300 |
| | | { Kasba Kamalpur .. | 250 |
| | | { Jahanabad town | 60 |
| | | { Aiyaran | 500 |
| Jhansi .. | Jhansi .. | { Koocha Bhanwar . | 10,192 |
| | | { Lalitpur . | 7,663 |
| | Jalaun .. | Kunch . | 4,353 |
| | Hamirpur . | { Panwari . | 800 |
| | | { Bath . | 899 |
| | | { Maudaha .. | 2,032 |
| Gorakhpur | Azamgarh .. | { Mahoba . | 4,077 |
| | | { Banda . | 493 |
| | | { Azamgarh . | 60 |

APPENDIX III.

[Of. Question no 16]

Rules regarding the preparation of the quinquennial return of agricultural stock for 1913-14 or 1321 fash.**FOR PATWARIS**

1 THE next quinquennial return of stock should be prepared in the annexed form in accordance with the following instructions. In districts where patwaris are engaged in settlement work the settlement officer has been asked to arrange that they shall be in their circles for the period fixed for enumeration.

2 Between January 6 and January 12, 1914, the patwari will prepare a list for each village showing the stock held by each resident or visitor in the village on January 6, 1914. Losses, sales and new acquisitions which have taken place between that date and the actual date of enumeration will be excluded.

3 Cattle of all kinds and used for whatever purposes are to be enumerated whether they are used for agricultural purposes or not. Cattle which are the property of Government are also to be included.

4 Cattle belonging to one village but present in another for grazing or other purposes will be enumerated in the village where they are present on the date of the enumeration.

5 In the list the patwari will first enter the names of resident zamindars and cultivators who keep any stock within the limits of the village. The names in this list will follow generally the order of the *khatauni*, but no person will be entered more than once, and *pahikash* tenants who keep no stock in the village will not be shown. Below the names taken from the *khatauni* the patwari will enter the names of those residents or visitors in the village who are not in the *khatauni* but own stock. Last of all shall be entered the names of persons whose cattle are in the village but who themselves reside elsewhere.

6 In towns where Act XX is in force the patwari will receive assistance in this work from the house tax muharrir or other official nominated by the district officer.

7. Patwaris will exclude from their lists all persons who keep their stock within the limits of cantonments and municipalities, returns for these will be arranged for by district officers in communication with municipal boards and cantonment authorities.

8. Patwaris may be allowed an extension of one week in the time prescribed for finishing their rabi tour and submitting *rabi jinswars*.

FOR SUPERVISOR KANUNGOS

9. The accuracy of the lists prepared by patwaris must be tested by the supervisor kanungos, who must satisfy themselves—

(1) that all cattle and stock present on the day of enumeration within the area of the village have been recorded,

(2) that no cattle or stock have been wrongly included.

10 The lists, when passed by the supervisor kanungo, will be sent by him to the registrar kanungo by January 20, 1914. The supervisor kanungos will not be allowed an extension in the time prescribed for finishing their *partals* and submitting *rabi jinswars*.

FOR REGISTRAR KANUNGOS.

11. From the lists furnished to him by the supervisor kanungos the registrar kanungo will compile rough statements and then the tahsil statements in the usual way. Forms of these will be supplied from the Director's office.

12. The registrar kanungo will send the tahsil statements to the sadar kanungo by February 5, 1914. The original lists of stock will be kept at the tahsil to be annexed to the patwari's *khassra* for 1321 *fash* when received.

FORM.

STOCK KEPT IN THE VILLAGE

| Number in khadsas | Name | Bulls and bul locks | Cows | Male buffaloes | Cow buffaloes | Young stock (calves and buffalo calves) | Sheep | Goats | Horses and ponies. | | | | Mules | Donkeys | Camels | Ploughs | Garts | Total |
|-------------------|------|------------------------|------|----------------|---------------|---|-------|-------|--------------------|-------|--------|---------------|-------|---------|--------|---------|-------|-------|
| | | | | | | | | | Horses | Mares | Ponies | Pony mares | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | | | | 11 | | 12 | 13 | 14 | 15 |
| | | | | | | | | | a | b | c | d | a | b | | | | |

APPENDIX IV.

[*Cf Question no 33.*]

(a) The following is a list of colleges in these provinces affiliated to the Allahabad University in biology —

Up to M. Sc.

- 1 Agra College (zoology only for two years from July 1913).
 - 2 Muir Central College, Allahabad (zoology only)
- Up to B Sc*
- 3 Reid Christian College, Lucknow
 - 4 St John's College, Agra, up to the time the college moves to its new buildings
 - 5 Ewing Christian College, Allahabad (recommended for extension of affiliation up to July 1914)
 - 6 Canning College, Lucknow (for two years from 1st December 1911).
 - 7 Muir Central College, Allahabad
 - 8 Agra College

Up to Intermediate

- 9 Muhammadan Anglo-Oriental College, Aligarh
- 10 Isabella Thoburn College, Lucknow
- 11 Meerut College, Meerut (for one year from session of 1913, the orders of Government have not yet been received)

(b)

| Name of college | Initial cost of opening biology classes for the intermediate examination of the University | Recurring charges for the maintenance of the classes | Remarks |
|---|---|--|---|
| Canning College, Lucknow | Rupees 7,335* for 90 students | Rupees 1,000 per annum | * This does not include permanent fixtures, such as benches, sinks, water pipes, gas pipes, &c., as well as any expense on museum and library |
| Isabella Thoburn College, Lucknow | Rupees 2,729 (includes the cost of constructing room and tables and that of instruments) | Rupees 200 per annum | |
| Reid Christian College, Lucknow | Rupees 3,800 (includes furniture, library, &c., and instruments, but not salaries of professors and cost of gas installation and instruments ordered recently) | Rupees 100 per annum | |
| Ewing Christian College, Allahabad | Rupees 5,500 for 32 students | Rupees 440 per annum | |
| Muir Central College, Allahabad | Rupees 14,250 for 12 students, including building, furniture and apparatus. This is only an estimated cost. And it is difficult to estimate the initial cost of opening biology classes for the intermediate examination in the college | Rupees 655 This is also an estimate only | |
| Agra College, Agra | Rupees 15,000, includes cost of adapting the old school building for the purpose | Rupees 1,000 excluding pay of professors and demonstrators, &c | |
| Muhammadan, Anglo-Oriental College, Aligarh | Rupees 1,325 | Rupees 300 per annum excluding the professor's pay | |
| Meerut College, Meerut | Rupees 6,000, includes cost of converting a part of old building into a laboratory, and cost of apparatus | Rupees 204 per annum excluding pay of professor, &c, | |
| St John's College, Agra | Rupees 7,000, includes building and equipment. This is only an estimated cost for each of the 1st and 2nd year classes containing not more than 20 students | Rupees 800 per annum approximately | |

APPENDIX V
[Of Question no 4^s.]

| Number | District | Dates of period for which the settlement was originally sanctioned | Term of settlement | Date of period up to which the term of settlement has been extended | Period of extension |
|--------|---|--|--------------------|---|---------------------|
| 1 | Dehra Dun, Chakrata tahsil | 1881—1904 | 20 years | 1934 | 30 years |
| 2 | Muttra | 1875—1878 to 1905—1908 | 30 „ | 1920—1923 | 15 „ |
| 3 | Agra | 1877—1879 to 1907—1909 | 30 „ | 1922—1924 | 15 „ |
| 4 | Etawah | 1873—1903 | 30 „ | 1913 | 10 „ |
| 5 | Pilibhit, tahsil Pilibhit | 1875—1905 | 30 „ | 1915 | 10 „ |
| | Tahsil Puraanpur | 1875—1905 | 30 „ | 1930 | 25 „ |
| 6 | Fatehpur | 1875—1877 to 1905—1907 | 30 „ | 1915—1917 | 10 „ |
| 7 | Allahabad (except tahsils Bara, Meja and Karchana) | 1874—1904 | 30 „ | 1914 | 10 „ |
| 8 | Naini Tal (tahsils Haldwani and Ramnagar) | 1903—1913 | 10 „ | 1914 | 1 year |

APPENDIX VI
[Cf Question no 59]

| Serial number | Class of schools | Number of scholars on 31st March 1913 | | |
|---------------|--|---------------------------------------|--|------------------|
| | | In schools managed by Government | In schools managed by district or municipal boards | In aided schools |
| 1 | High schools for boys .. | 18,017 | 579 | 16,724 |
| 2 | English middle schools for boys | . | 1,567 | 7,265 |
| 3 | Vernacular middle schools for boys .. | 788 | 44,860 | 1,026 |
| 4 | Primary schools for boys | 215 | 401,229 | 186,171 |
| 5 | High schools for girls .. | .. | .. | 710 |
| 6 | English middle schools for girls .. | .. | 88 | 2,563 |
| 7 | Vernacular middle schools for girls .. | 608 | 93 | 996 |
| 8 | Primary schools for girls .. | 8,282 | 18,891 | 15,418 |
| | Total .. | 17,805 | 461,607 | 180,878 |

APPENDIX VII.

[Statement referred to in Council questions nos. 65 and 66 showing land revenue demand at the three different revisions of settlement]

| Division | District | Land revenue preceding the last two revisions of settlement | Land revenue at the first revision of settlement | Difference of columns 3 and 4 | Land revenue at the second revision of settlement | Difference of columns 5 and 6 | Remarks |
|-------------|------------------------------|---|--|-------------------------------|---|-------------------------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | Rs | Rs | Rs | Rs | Rs | |
| MEERUT | Dehra Dun | 47,880 | 82,476 | 84,645 | (a) 1,53,405 | 69,929 | (a) Excluding the revenue of pargana Jaunpur Rawar, the report of which is not forthcoming (b) Including cesses |
| | Saharanpur | 10,03,940 | 11,88,580 | 44,684 | 14,33,127 | 2,97,817 | |
| | Muzaffarnagar | 11,19,127 | 12,40,222 | 1,80,095 | 15,53,670 | 3,01,364 | |
| | Meerut | 18,26,141 | 2,984,675 | 9,68,624 | 29,68,790 | 8,01,121 | |
| | Bulandshahr | (b) 11,39,727 | 1,517,811 | 1,56,114 | 19,76,640 | 6,68,818 | |
| | Total | 52,10,771 | 59,72,714 | 7,53,043 | 81,05,863 | 21,33,069 | |
| AGRA | Aligarh .. | 18,43,496 | 21,17,932 | 2,68,844 | 24,49,555 | 3,22,213 | |
| | Muttra | 12,27,001 | 13,65,003 | 1,37,941 | 15,70,464 | 1,45,189 | |
| | Agra | 16,23,442 | 16,39,944 | 7,102 | 18,07,610 | 1,76,916 | |
| | Mathura | 11,21,289 | 12,69,880 | 1,48,591 | 13,37,631 | 87,181 | |
| | Etah | 7,18,244 | 9,28,175 | 2,09,931 | 12,04,197 | 3,36,269 | |
| | Total | 65,87,884 | 73,00,743 | 7,72,409 | 84,09,480 | 10,97,737 | |
| ROZAH | Basilly .. | 13,78,320 | 10,62,670 | 2,84,360 | 15,81,706 | —80,994 | (c) Including Rs. 8,30,655 of pargana Bawalpur trans-ferred from Bareilly |
| | Syrone | 11,20,166 | 11,88,351 | 13,185 | 14,36,020 | 2,98,275 | |
| | Budaun .. | 9,28,478 | 10,29,418 | 1,00,940 | 13,65,845 | 3,36,427 | |
| | Moradabad | 12,01,468 | 14,50,688 | 2,39,220 | 17,56,221 | 3,25,633 | |
| | Shahjahanpur | 9,38,536 | 11,54,426 | 2,00,860 | 11,73,584 | —10,712 | |
| | Total | 69,44,609 | 67,62,095 | 8,88,125 | 80,43,501 | 19,90,896 | |
| ALLAHABAD | Farrukhabad | 11,66,012 | 12,85,088 | 1,28,471 | 13,12,008 | 27,820 | |
| | Etawah | 14,65,059 | 18,10,938 | —1,54,121 | 18,27,651 | 16,713 | |
| | Cawnpore | 21,30,406 | 21,61,438 | 81,038 | 20,10,174 | 1,43,264 | |
| | Fatehpur | 18,62,786 | 14,08,675 | 45,989 | 18,07,297 | 1,01,178 | |
| | Allahabad .. | 19,26,189 | 21,09,176 | 1,84,017 | 23,83,088 | 2,73,712 | |
| | Total | 80,89,073 | 82,75,310 | 3,85,838 | 83,47,118 | 71,808 | |
| JHANSI | Jhansi .. | 4,74,067 | 7,42,009 | 2,68,012 | 6,05,102 | —1,35,767 | |
| | Jalaun .. | 8,81,551 | 10,39,004 | 1,57,543 | 8,21,013 | —2,17,161 | |
| | Hammurpur | 10,81,190 | 10,70,877 | —10,813 | 8,43,688 | —2,86,489 | |
| | Banda .. | 9,45,263 | 11,88,808 | 1,38,645 | 9,65,280 | —1,66,578 | |
| | Total | 38,82,061 | 39,85,348 | 6,03,287 | 32,37,133 | —7,48,215 | |
| BENARES | Benares .. | | | | | | Permanently settled |
| | Mirzapur .. | | | | | | |
| | Jaunpur .. | | | | | | |
| | Ghazipur .. | | | | | | |
| | Ballia .. | | | | | | |
| | Total | | | | | | |
| GORAKHPUR | Gorakhpur | 10,88,577 | 15,53,607 | 4,65,030 | 24,38,112 | 8,84,505 | |
| | Basti | 9,71,044 | 12,84,803 | 4,13,949 | 19,44,175 | 6,50,182 | |
| | Amangarth | 12,42,274 | 16,58,191 | 4,15,917 | 18,76,968 | 2,18,767 | |
| | Total | 33,01,895 | 44,96,701 | 11,94,896 | 62,69,245 | 11,02,454 | |
| ULUGH | Naini Tal (hill paties only) | | 88,501 | | 50,814 | 11,813 | (d) Reports are not forthcoming |
| | Almora | | 2,18,474 | | 2,07,560 | 49,083 | |
| | Garkwal .. | 68,680 | 98,811 | 27,681 | 1,05,797 | 60,416 | |
| | Total | 68,680 | 8,68,386 | 27,681 | 4,88,601 | 1,30,315 | |
| | Total, Agra | 8,24,94,282 | 8,71,45,987 | 49,94,700 | 4,28,86,081 | 57,40,084 | |
| LUCKNOW | Lucknow .. | 9,55,600 | 11,88,619 | 2,38,019 | 9,88,569 | —2,02,600 | |
| | Unao .. | 10,86,611 | 10,62,992 | 24,881 | 15,87,764 | 4,74,703 | |
| | Rae Bareilly | 8,24,041 | 10,27,094 | 2,08,053 | 15,40,597 | 5,18,443 | |
| | Sitapur .. | 9,38,897 | 13,08,694 | 3,68,797 | 16,16,780 | 8,12,086 | |
| | Hardoi .. | 10,16,712 | 18,80,140 | 8,18,428 | 15,69,027 | 2,32,897 | |
| | Total | 4,98,868 | 6,02,411 | 5,06,545 | 10,80,585 | 2,28,154 | |
| FARROKHABAD | Farrukhabad | 52,68,727 | 67,14,950 | 14,45,223 | 82,54,212 | 15,49,202 | |
| | Gonda .. | 12,08,551 | 10,51,842 | 4,43,791 | 14,61,922 | —1,89,420 | |
| | Bahraich .. | 9,62,401 | 16,04,923 | 5,43,551 | (e) 13,88,134 | —1,51,818 | |
| | Sultanganj | 5,64,731 | 11,47,280 | 5,82,499 | 12,38,890 | 1,63,170 | |
| | Faridkot .. | 8,29,598 | 11,66,872 | 3,86,774 | 14,89,680 | 3,17,808 | |
| | Total | 8,61,197 | 11,77,189 | 8,15,892 | 18,46,522 | 1,69,888 | (e) Excluding permanently settled estates of Ballampur and Tulsipur |
| GRAND TOTAL | Bara Banki | 6,49,618 | 11,97,593 | 5,64,780 | 19,96,428 | 7,99,080 | |
| | Total | 52,69,086 | 78,44,478 | 25,75,887 | 81,25,078 | 10,30,608 | |
| | Total, Oudh | 1,06,87,818 | 1,46,59,428 | 40,21,610 | 1,71,89,288 | 26,29,865 | |
| | GRAND TOTAL | 4,80,82,046 | 5,17,05,890 | 84,16,870 | 8,00,76,819 | 83,69,929 | |

NOTE.—Column 3 answers question no. 65

Column 4 to 7 answer question no. 66.

APPENDIX VIII.

[Statement referred to in Council question no 67]

| Serial number | District | Cost of operations at the revision of settlement preceding the one now current | Cost of operations at the revision of the settlement now current | Remarks | |
|---------------|---------------------|--|--|---------------------------|---------------------------|
| Agra Province | | | | | |
| 1 | Meerut division | Dehria Dun | 1,39,712 | 86,199 | |
| 2 | | Saharanpur | 2,06,813 | 2,75,836 | |
| 3 | | Muzaffarnagar | 1,56,972 | 2,65,000 | |
| 4 | | Meerut | * | 3,88,752 | |
| 5 | | Bulandshahr | 2,18,770 | 2,04,404 | |
| 6 | Agra division | Aligarh .. | 4 04,905 | 2,55,368 | |
| 7 | | Muttra .. | * | 6,02,973 | |
| 8 | | Agra .. | * | 7,08,951 | |
| 9 | | Mainpuri | 3,90,961 | 3,58,151 | |
| 10 | | Etah | 3,94,527 | 2,17,718 | |
| 11 | Rohilkhand division | Bareilly .. | 3,93,428 | 3,80,187 | |
| 12 | | Bijnor | 5,38,291 | 2,60,076 | |
| 13 | | Budaun .. | 4 47,795 | 3,47,648 | |
| 14 | | Moradabad .. | 9,12,470 | 3 46,149 | |
| 15 | | Shahjahanpur | 5,86,500 | 2,49,800 | |
| 16 | Pilibhit .. | * | 72 000 | Now under settle- ment | |
| 17 | Allahabad division | Etawah | * | | 3,44,861 |
| 18 | | Farrukhabad | 5 09,144 | | 2,41,583 |
| 19 | | Cawnpore | 0,98 605 | | 1,62,036 |
| 20 | | Fatehpur .. | * | | 5,69,928 |
| 21 | | Allahabad | * | 10,93,641 | |
| 22 | Jhansi division | Jhansi | 1,95 493 | 1,14,657 | Now under settle- ment |
| 23 | | Jalaun | 1 59 1 14 | 1,26,207 | |
| 24 | | Hamirpur | 8 31,193 | 1,24 534 | |
| 25 | | Banda | 3,64 009 | 1,27,292 | |
| 26 | | Gorakhpur | * | 18,74,792 | |
| 27 | Gorakhpur division | Basti | * | 14,58,450 | |
| 28 | | Azamgarh | 7,38,520 | 6,77,737 | |
| 29 | Kannauj division | Naini Tal | } | 1,98,034 | |
| 30 | | Almora | | | |
| 31 | | Gariwal .. | | 5,50,402 | 5,38,821 |
| Oudh | | | | | |
| 32 | Lucknow division | Lucknow | 5,34,244 | 87,586 | |
| 33 | | Unao | 3,22,946 | 3,55,759 | |
| 34 | | Rae Bareilly .. | 1,90,943 | 2,40,407 | |
| 35 | | Sitapur | 5,90,160 | 1,00,841 | |
| 36 | | Hardoi .. | 4,20,795 | 2,31,758 | |
| 37 | | Kheiri .. | 6,85,757 | 1,10,216 | |
| 38 | Fyzabad division | Fyzabad | 3,77,167 | 2,22,203 | |
| 39 | | Gonda .. | 7,88,575 | 1,39,795 | |
| 40 | | Bahraich | 3,82,266 | 1,02,081 | |
| 41 | | Sultanpur | 4,54,756 | 2,98,713 | |
| 42 | | Patnabagarh | 5,92,060 | 2,80,398 | |
| 43 | | Baita Banki | 1,41,759 | 1,87,611 | |

* Not available

APPENDIX IX

[Statement referred to in Council question no. 70]

List of Aided Colleges and High Schools furnished with a Provident Fund for teachers.

Colleges.

1. Canning College, Lucknow.
2. Meerut College, Meerut
3. Agra College, Agra
4. St John's College, Agra
5. Bareilly College, Bareilly
6. Muhammadan Anglo-Oriental College, Aligarh.
7. Ramsay College, Almoira

Anglo-Vernacular High Schools

1. St John's Collegiate school, Agra.
2. Muhammadan Anglo-Oriental Collegiate School, Aligarh.
3. Ramsay Collegiate School, Almoira
4. Dayanand Anglo-Vernacular High School, Dehra Dun
5. Edward Coronation High School, Khuija, Bulandshahr.
6. Harish Chandra High School, Benares.
7. Bengali Tola High School, Benares
8. London Mission High School, Benares.
9. MacDonnell High School, Jhansi
10. Shyam Sundar Memorial High School, Chandausi, Moradabad.
11. Western Inglis Memorial High School, Bareilly.
12. Eastern " " "
13. Kedarnath Diamond Jubilee High School, Maurawan, Unao.
14. Colvin High School, Mahmudabad, Sitapur.
15. Dharam Sabha School, Lakhimpur (Kheri).

APPENDIX X

[Statement referred to in Council Question no 76]

Number of cognizable crimes reported to, and the number in which investigation was refused by, the Police in the United Provinces

| Year | Cognizable crimes reported to police during the year (column 5 of statement A, part I) | Number in which investigation was refused by the police (column 6 of statement A, part I) | Remarks |
|------|--|---|---------|
| 1907 | 175,072 | 92,409 | |
| 1908 | 185,111 | 98,226 | |
| 1909 | 154,041 | 76,053 | |
| 1910 | 148,112 | 69,271 | |
| 1911 | 150,250 | 68,495 | |
| 1912 | 146,607 | 55,192 | |

NOTE.—Cases reported to Magistrates (column 15 of statement A, part I) are not included in the above

APPENDIX XI.

[Cf Question no 94]

[Cf. Question no 94.]

Statement showing the number of cataract, stone, hydrocele, hernia, and other major operations excluding the setting right of fractures, performed by Civil Surgeons and Assistant Surgeons in the State Dispensaries at Lucknow, Allahabad, Cawnpore, Meerut, Bareilly, Moradabad, Bijnor, Benares, Agra, Fyzabad, and Gorakhpur during the years 1910-12

| Districts | Carnarvon | | | Stone | | | Hiddeale | | | Hermia | | | Other major operations excluding setting right of fractures | | | | | | | | | | | | | |
|-----------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------------------|-----|---|----|----|-----|-----|-----|-----|-----|-----|
| | 1910 | | 1911 | 1910 | | 1911 | 1910 | | 1911 | 1910 | | 1911 | 1910 | | 1911 | 1912 | | | | | | | | | | |
| | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | Performed by Civil Surgeon | | | | | | | | | | |
| Lucknow | 288 | 4 | 201 | 9 | 157 | 30 | 88 | 8 | 42 | 8 | 200 | 1 | 110 | 11 | 74 | 37 | 12 | 1 | 10 | 1 | 56 | 16 | 103 | 6 | 77 | 22 |
| Allahabad | 50 | . | 23 | 50 | 50 | 14 | 6 | 12 | 9 | 14 | 20 | 7 | 70 | 5 | 18 | 46 | 1 | 0 | 2 | 2 | 14 | 250 | 6 | 258 | 8 | 346 |
| Cawnpore | 81 | | 29 | 43 | | | 5 | 1 | 6 | | 13 | 3 | 13 | 6 | 10 | 9 | 1 | | 1 | 1 | 22 | 34 | 30 | 17 | 41 | 23 |
| Moradabad | 101 | 58 | 228 | 269 | 2 | 43 | 8 | 35 | | 54 | 6 | 1 | 1 | | | | | | 1 | 3 | 40 | 23 | 36 | 34 | 51 | 25 |
| Bareilly | 137 | 17 | 194 | 7 | 191 | 15 | 27 | 36 | 21 | 22 | 22 | 40 | 8 | | | 2 | 1 | | | | 12 | 27 | 13 | 26 | 11 | 26 |
| Moradabad | 498 | 28 | 609 | 687 | 25 | 91 | 9 | 73 | 13 | 110 | 19 | 4 | | 6 | 7 | 1 | 9 | | 5 | 15 | 117 | 29 | 47 | 1 | 102 | 20 |
| Bijnor | 150 | 89 | 41 | 123 | 581 | 22 | 12 | 8 | 8 | 15 | 27 | 1 | | | 5 | | 2 | | 2 | 5 | 1 | 7 | | 12 | 66 | 12 |
| Benares | 188 | 162 | 292 | 54 | 175 | 75 | 14 | 7 | 18 | | 13 | 4 | 68 | 36 | 43 | 39 | 62 | 2 | 1 | 1 | 4 | 133 | 1 | 95 | 43 | 37 |
| Agra | 487 | 65 | 454 | 105 | 523 | 180 | 33 | 1 | 33 | 8 | 19 | 4 | 6 | 8 | 9 | 10 | 5 | 6 | 13 | 6 | 12 | 131 | 46 | 170 | 60 | 147 |
| Fyzabad | 151 | 14 | 137 | 145 | 128 | | 6 | 2 | 9 | 15 | 19 | 6 | 243 | 13 | 115 | 225 | 106 | | | 7 | 7 | 15 | 1 | 38 | 36 | 21 |
| Gorakhpur | 281 | 18 | 202 | 48 | 330 | 80 | 41 | 3 | 83 | 1 | 27 | 9 | 57 | 8 | 45 | 20 | 27 | 8 | 2 | 7 | 29 | 81 | 22 | 46 | 30 | 51 |

APPENDIX XII.

[Of Question no 97]

Dated Cawnpore, the 14th August, 1913.

From—J G RYAN, ESQ, Secretary, Upper India Chamber of Commerce,

Cawnpore,

To—Chief Secretary to Government, United Provinces

SIR,—I am directed to refer to your no 84/GIII—91 of the 13th May, enquiring whether the Upper India Chamber of Commerce desire to express any opinion on the proposal that an Executive Council should be formed in the United Provinces

The Committee of the Chamber are of opinion that—

- (1) The existing form of government is, at the present time and on all grounds, of good administration and economy, the more suitable for these provinces
- (2) While realizing that a personal government involves heavy duties and grave responsibility on the individual head of the Government, it has not yet been shown that the duties are too heavy or the responsibilities too grave for one man to assume. At a meeting of the Legislative Council of these provinces held at Lucknow on the 14th April, 1913, when the desirability of having an Executive Council for these provinces was raised and discussed, Sir James Meston, in whom we have a Lieutenant-Governor eminently sympathetic and at all times accessible, stated that his task, though heavy, was not more than one man could properly discharge, and that it did not compel him to delegate his functions to irresponsible subordinates. He further stated that while and although he was loyally and efficiently served by his Secretaries and executive officers, it was ludicrously incorrect to imagine that much of the work emanated from the Secretariat
- (3) It is quite conceivable however that, with the general spread of education and intelligence, coupled with the extending desire on the part of the people to partake of greater interest in the administration of the provinces, the work of the Government may be considerably increased
- (4) There may then be an earnest and enhanced desire (at present not sufficiently pronounced) to have a form of government in which the Lieutenant-Governor will be assisted, advised, and supported by an Executive Council
- (5) While therefore not deeming it desirable now, nor perhaps for some years to come, that any change in the form of government should be introduced, it might be advisable gradually to make preparations which will fit in with the introduction of an Executive Council at some later date
- (6) It is recognized that government with an Executive Council will be far more costly than the present system, while it will in no similar measure possess the great advantages of accessibility or the expeditious disposal of business, or conduce to that sense of complete individual responsibility which so pre-eminently distinguishes the rule of a Lieutenant-Governor. The extra expenditure involved by the change in the system of government will need to be carefully considered.
- (7) A point arising out of the consideration of the subject is that of the Board of Revenue. It cannot be conceived that the introduction of an Executive Council will greatly diminish the work of the Board of Revenue, and its retention will therefore be a desideratum.

APPENDIX XIII

[Of question no 105]

Statement showing the names of journals published outside India and supplied to Anglo-vernacular schools in the United Provinces

| Name of journal | Name of school to which supplied | Cost | Reasons for the supply of the journal |
|----------------------------------|---|------------------------------------|---|
| Pitman's <i>Phonetic Journal</i> | Government high school, Meerut Government high school, Cawnpore | * 14 shillings annually | Useful in connection with commercial classes |
| <i>School World</i> | Government high school, Allahabad | * 7 shillings and 6 pence annually | } To interest the teachers in their work |
| <i>Journal of Education</i> | Ditto ditto | 7 shillings annually | |
| <i>Near East</i> | Government and aided Anglo vernacular high schools in the province (ninety six in number) | † Exact cost not known | To supply school-boys with interesting information about countries in the "Near East" |

* Cost met from the Director of Public Instruction's budget allotment for purchase of books and periodicals.
 † Cost to be met by the Government of India during the current year.

APPENDIX XIV

Statement of mutation fees and fines referred to in Council question no 150

| Year | Mutation fines | Mutation fees |
|---------|----------------|---------------|
| | Rs | Rs |
| 1907-6 | 56,432 | 8,671 |
| 1906-7 | 58,888 | 6,910 |
| 1907-8 | 58,081 | 5,914 |
| 1908-9 | 37,923 | 5,030 |
| 1909-10 | 41,586 | 5,853 |
| 1910-11 | 36,922 | } abolished. |
| 1911-12 | 33,640 | |
| 1912-13 | 30,527 | |

APPENDIX XV

[Of queue no 151]

Statement showing the actual expenditure incurred during the years 1903-4 to 1912-13 on the removal of the Government Secretariat (Civil and Public Works department) and the Camp Branch Press from Allahabad to Naini Tal and vice versa

| Office | Actuals, 1903-4 | Actuals, 1904-5 | Actuals, 1905-6 | Actuals, 1906-7 | Actuals, 1907-8 | Actuals, 1908-9 | Actuals, 1909-10 | Actuals, 1910-11 | Actuals, 1911-12 | Actuals, 1912-13 |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|---------------------|---------------------|---------------------|
| | Rs | Rs | Rs | Rs | Rs | Rs | Rs | Rs | Rs | Rs |
| Civil Secretariat | 39,656 | 39,070 | 36,806 | 39,540 | 39,590 | 45,730 | 46,173 | 11,789 | 46,503 | 47,353 |
| Public Works department Secretariat, Buildings and Roads branch | 10,673 | 11,196 | 10,729 | 10,737 | 11,771 | 13,431 | 15,916 | 11,252 | 13,070 | 13,942 |
| Public Works department Secretariat, Irrigation branch | 4,202 | 4,483 | 4,720 | 4,496 | 4,770 | 4,764 | 13,511 | 12,000 | 10,616 | 11,000 |
| Camp Press | 4,871 | 4,267 | 3,890 | 3,620 | 3,580 | 5,790 | 5,526 | 5,050 | 5,152 | 4,386 |

APPENDIX XVI

[*Cf question no 157*]

Shahjahanpur municipal board resolution, dated the 3rd April 1913.

“That if a line is to be built it should run along the city side of the river with stations at Bahadurganj and Bholaganj This would benefit everybody.”

APPENDIX XVII

[Of question no 170]

On account of my father-in-law's death I was at Farrukhabad for the past two months, June and July. The tone of the issues of the *Muslim Gazette* during these two months generally and of the 16th July particularly about the Cawnpoor mosque affair was objectionable on account of the self-will and obstinacy of the editor of the *Muslim Gazette*, Maulvi Wahid-ud-din Salm. This I deeply regret. On account of the editor's self-will I am afraid that, notwithstanding my presence here and strict control, I shall not be able to check his assertiveness, and in that case the whole responsibility of his immoderate attitude will rest upon me. In this reason and in punishment for his having adopted the aforesaid objectionable attitude I, in accordance with your suggestion, am dismissing Maulvi Wahid-ud-din Salm from the editorship. I will express in the next issue of the *Muslim Gazette* my regret for publishing the objectionable articles.

MIR JAN,

Proprietor and publisher, Muslim Gazette,

APPENDIX XVIII.

*(Statement referred to in Council question no 173.)**Statement showing the names of Government English high schools
to which school committees are attached*

| Serial number | Name of Government English high schools to which school committees are attached | Number of members on each committee | Number of Muslim members on each committee | Remarks |
|---------------|---|-------------------------------------|--|---------|
| 1 | Government High School, Meerut | 8 | 3 | |
| 2 | " " Muzaffarnagar | 11 | 4 | |
| 3 | " " Saharanpur | 11 | 5 | |
| 4 | " " Bulandshahr | 10 | 4 | |
| 5 | " " Aligarh | 7 | 4 | |
| 6 | " " Hathras (district Aligarh) | 9 | 1 | |
| 7 | " " Agra | 10 | 3 | |
| 8 | " " Muttra | 8 | 1 | |
| 9 | " " Farrukhabad | 9 | 1 | |
| 10 | " " Etawah | 10 | 1 | |
| 11 | " " Etah | 10 | 3 | |
| 12 | " " Mainpuri | 10 | 2 | |
| 13 | " " Bareilly | 7 | 2 | |
| 14 | " " Moradabad | 7 | 2 | |
| 15 | " " Budaun | 11 | 5 | |
| 16 | " " Shahjahanpur | 11 | 3 | |
| 17 | " " Bijnor | 8 | 3 | |
| 18 | " " Pilibhit | 7 | 3 | |
| 19 | " " Amroha (district Moradabad) | 7 | 3 | |
| 20 | " " Fatehpur | 10 | 4 | |
| 21 | " " Cawnpore | 11 | 3 | |
| 22 | " " Bandt | 10 | 1 | |
| 23 | " " Jalaun | 8 | 1 | |
| 24 | " " Mirzapur | 7 | 1 | |
| 25 | " " Jounpur | 7 | 4 | |
| 26 | " " Balha | 9 | 1 | |
| 27 | " " Ghazipur | 11 | 3 | |
| 28 | " " Basti | 10 | 3 | |
| 29 | " " Gorakhpur | 10 | 3 | |
| 30 | " " Almora | 11 | 1 | |
| 31 | " " Garhwal | 11 | | |
| 32 | " " Naini Tal | 10 | 2 | |
| 33 | " " Unao | 13 | 4 | |
| 34 | " " Rae Bareilly | 11 | 5 | |
| 35 | " " Kheri | 10 | 3 | |
| 36 | " " Sitapur | 6 | 1 | |
| 37 | " " Hardoi | 12 | 3 | |
| 38 | " " Fyzabad | 8 | 1 | |
| 39 | " " Gonda | 7 | 1 | |
| 40 | " " Bahraich | 11 | 2 | |
| 41 | " " Sultanpur | 9 | 3 | |
| 42 | " " Pataigarh | 9 | 3 | |
| 43 | " " Dura Banki | 11 | 4 | |

APPENDIX XIX

(Statements referred to in Council question no. 189)

MUHUR CENTRAL COLLEGE

Statements showing the number of scholars in each subject in each of the classes of the
Muhur Central College during the sessions commencing from July 1913

| Subject | I year A | I year B | II year A | II year B | III year BA | III year BSc | IV year BA | IV year BSc | V year MSc | V year MA | VI year MSc | VI year MA | VII year DSc |
|---------------------------------|----------|----------|-----------|-----------|-------------|--------------|------------|-------------|------------|-----------|-------------|------------|--------------|
| English | 61 | 43 | 40 | 32 | 51 | 43 | 58 | 41 | | 6 | | 4 | |
| History (modern Inter mediate) | 61 | | 43 | | 10 | | 24 | | | 4 | | 2 | |
| History (ancient Inter mediate) | | | 10 | | | | | | | | | | |
| Sanskrit | 17 | | 16 | | 15 | | 11 | | | | | | |
| Arabic | 6 | | 8 | | 2 | | 2 | | | | | | |
| Persian | 21 | | 16 | | 10 | | 29 | | | 1 | | 1 | |
| Mathematics | 17 | 13 | 16 | 16 | 16 | 16 | 12 | 33 | 4 | 1 | 1 | 1 | 2 |
| Logic (Deductive) | 61 | | 43 | | | | | | | | | | |
| " (Inductive) | 61 | | 43 | | | | | | | | | | |
| Physics | | 41 | | 32 | | 13 | | 44 | 2 | | 3 | | |
| Chemistry | | 42 | | 32 | | 43 | | 41 | 4 | | 3 | | 1 |
| Zoology | | 80 | | 16 | | 15 | | 12 | 2 | | 1 | | |
| Botany | | 30 | | 16 | | 15 | | 12 | | | | | |
| Philosophy | | | | | 7 | | 2 | | | | | | |
| Political economy | | | | | 35 | | 29 | | | 1 | | 2 | |

QUEEN'S COLLEGE

| Subject | 1st year | 2nd year | 3rd year | 4th year | 5th year | 6th year |
|-----------------|----------|----------|----------|----------|----------|----------|
| Mathematics | 17 | 13 | 5 | 7 | | 3 |
| Ancient History | 20 | 31 | | 3 | | |
| Logic | 20 | 31 | | | | |
| Persian | 15 | 19 | 4 | 13 | | |
| Sanskrit | 4 | 10 | | 6 | 4 | |
| Philosophy | | | 4 | 13 | | |
| Chemistry | 16 | 11 | 5 | 5 | | |
| Physics | 16 | 11 | 5 | 5 | | |



Government Gazette,

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to this part, in order that it may be filed as a separate compilation.

Published by Authority.

ALLAHABAD, SATURDAY, OCTOBER 25, 1913.

PART VII.

LEGISLATIVE DEPARTMENT.

GOVT., UNITED PROVINCES.

Under Rule 25 of the rules for the conduct of business at meetings of the United Provinces of Agra and Oudh Legislative Council, His Honour the President has been pleased to direct the publication, for general information, of the following Report of the Select Committee on the United Provinces Town Areas Improvement Bill, together with the Bill as amended by them —

Report of the Select Committee of the Legislative Council appointed under rule 17 for the consideration of the United Provinces Town Areas Improvement Bill

THE Committee has held two meetings, the first on April 10, at which the amendments considered necessary were decided upon. It was agreed that the amendments should be incorporated in the Bill and the whole revised by the Legal Remembrancer from the point of view of drafting so that there should be no variation in point of principle.

The Bill so revised and with certain further additions, which had either been suggested by the Government or appeared to be necessary for the satisfactory working of the Act, was sent to members on the 14th June and a second meeting of the Committee was fixed for July 26. At that meeting the draft Bill drawn up by the Legal Remembrancer was generally approved subject to certain modifications.

All the members of the Committee attended the meeting held on April 10. That held on July 26 was attended by all except the Hon'ble Saiyid Raza Ali. The minutes of the previous meeting were sent to him for verification by the Financial

Secretary to Government on the 14th June, and the draft Bill with a notice of the meeting to be held on July 26 was sent on the same date, a letter of reminder being issued on July 17. As no reply was received to these communications and the Hon'ble Member did not attend the meeting of July 26, his name has not been attached to the printed minutes of either meeting.

2. In making the alterations described in detail below the general objects which the Committee have had in view are the following —

- (a) to introduce more directly the principle of election,
- (b) to remove the anachronisms remaining in the previous Bill, and more especially the penal provisions of section 11 imposing a fine of Rs 50 for failure to carry out the duties of a member of the *panchayat*,
- (c) to define more clearly the functions of the *panchayat* and to make it clear that the District Magistrate and Town Magistrate shall, while maintaining a general control, work in consultation with the *panchayat*,
- (d) to provide all necessary safeguards for the protection of zamindars and cultivators and for the exemption of certain classes of property from taxation,
- (e) to make the Bill a self-contained whole, independent of the provisions of the Village Sanitation Act, II of 1892,
- (f) to make provision for gradually increasing the powers of *panchayats* which may show themselves qualified for a greater degree of independence.

3 For the introduction of the principle of election it was unanimously resolved to substitute for section 10 (1) of the previous Bill a provision that—

“the *panchayat* shall consist of three or more members to be nominated or elected as the Local Government in each case may by general or special order prescribe. provided that, unless the Local Government shall exclude any town area from the operation of this proviso, at least one-third of the members shall be elected.”

This resolution with some merely drafting changes has been embodied in section 5 of the revised Bill. Powers have been taken in section 39 to frame rules for the regulation of elections and for the decision of disputes arising out of them. It is the unanimous opinion of the Committee that all such disputes should be decided by the District Magistrate and should be kept out of the civil courts.

4 It was unanimously agreed to abolish section 11 of the previous Bill and to provide for control over the *panchayat* on more modern lines by the provisions embodied in sections 7, 25, 35 and 36, the last two of which follow the analogy of corresponding provisions in the Municipalities Act.

5 As regards the functions and responsibilities of the *panchayat* it was resolved by a majority that, considering the large number and heterogeneous character of the town areas, it was not advisable to impose on them under the Bill the serious financial and legal responsibilities which would be involved by forming them into corporate bodies in which the town funds would be vested.

Section 23 therefore maintains the responsibility of the Town Magistrate for the town fund, but provision is made in that section and in sections 37 and 39 for making over to the *panchayat* such powers and responsibilities with reference to the collection and expenditure of funds as they may be fitted for. The duties and responsibilities of the *panchayat* are laid down generally in section 8 and their powers with reference to the town servants in sections 9 and 10. The Committee are of opinion that the lower classes of town servants should be entirely under their control, but that provision should be made for the protection of the higher classes of town servants.

In sections 14 and 26 it has been laid down that the *panchayat* must be consulted by the District Magistrate with reference to the imposition of taxation or to the framing of rules dealing with all those objects with reference to which the *panchayat* are under the provisions of section 8 entitled to advise.

The procedure with reference to taxation is laid down in sections 15 et seq., and in section 18 provision is made that no appeal from an assessment shall be heard by any magistrate who has been concerned with the assessment against which the appeal has been made.

6 The interests of zamindars and of agriculturists generally have been safeguarded by the provisions of section 22(e). The power given under section 26(e) to prohibit the deposit or storage of manure gives no power of confiscation of such manure, and the only effect of such prohibition is that disobedience can be punished by fine under section 31. Section 22(e) provides for cases in which there may be vested interest in road sweepings, &c. The interests of zamindars have also been taken into account in fixing the limits of taxation under section 14. The limits laid down in the present Act XX of 1856 were fixed with regard to the requirements of watch and ward only and were based on the normal pay of a *chaukidar*. The Committee recognize that the growing sanitary requirements of these towns will require the collection of larger funds, and that if the limits of taxation are fixed too low these can only be raised by imposing a heavy burden on the poorer classes. At the same time they do not desire to impose a limit which would be disproportionately high as compared with the amenities which will be furnished by the town area administration, nor do they desire to impose such a burden as would make it difficult to pay the ordinary zamindari dues or would discourage the building of good houses in such town areas. Taking all these considerations into account the majority of the Committee are of opinion that the limits proposed in the Bill are fair, although in the case of the larger towns a higher limit may ultimately be necessary as their standard of administration comes to approach that of municipalities.

7. In section 16 power has been taken to exempt in whole or in part from taxation any person or class of persons or property or description of property.

8 Section 40 has been added so as to make it clear that the Bill is to be self-contained and not to leave on the Statute Book two Acts dealing concurrently with the administration of town areas. In section 26(b) nearly all the provisions of the Village Sanitation Act have been embodied except the provision enabling the Collector to direct private persons to make wells. It does not appear desirable to retain this power when a tax is collected for sanitation.

9 Minor changes are the addition of the word "better" in the title of the Bill as the present Act makes some, though inadequate, provision for sanitation, the definition of an act of the *panchayat* in section 2(1), which is required in the absence of any elaborate provisions as to quorum, &c., the omission of the definition of *bazaar*, which is no longer required, the fixing of three years under section 6 as the ordinary term of office of a member of a *panchayat*, the omission of old section 20, which is no longer necessary as distress and attachment will now be conducted by the officers of the magistrate's court and not by the *darogha* as required by section 44 of Act XX, and finally the addition of section 34, which is modelled on similar provisions in the Municipalities Act.

10 The Committee are of opinion that the Bill should take full powers for the gradual raising of the administration of town areas to the standard of municipalities and for gradually increasing the powers and responsibilities of *panchayats* according as they show themselves competent for a greater degree of independence.

Sections 23, 37, 38 and 39 have been framed with this object in view. Section 33 is also worded so as to secure greater independence on the part of *panchayats*.

11 Section 42 is an important section which was omitted from the previous Bill. It is essential to provide for the interval which may elapse before the machinery provided by this Bill is in full working order. The proviso is required as otherwise a *panchayat* appointed under Act XX would by this section be given an increased life of three years instead of one year as under that Act. The Committee consider that section 42 is necessary in spite of the similar provision in

the General Clauses Act, because this Bill is so much more comprehensive than Act XX and so different in scope to that Act that it might be open to doubt whether it could in the language of the General Clauses Act be said to re-enact the provisions under that Act

12 The arrangement of the present Bill differs considerably from that of the previous Bill. It has been proposed by the Legal Remembrancer as being conducive to greater clearness and as more closely following that of the Municipalities Act. The Committee accepts this view and agrees that it is an advantage that two Acts which are so closely *en pare materia* should maintain the same arrangement

13. As the alterations now proposed are both numerous and important the Committee recommend that the Bill, as amended, should now be republished and should be taken into consideration at a subsequent meeting of the Legislative Council.

G A. TWEEDY.

TASADDUQ RASUL.

* GANGA PRASAD VARMA.

† SUKHBIR SINGH.

‡ RAZA ALI.

E. H. ASHWORTH.

A. W. PIM.

* I accept the report subject to the subjoined note of dissent

GANGA PRASAD VARMA.

† I accept the report subject to attached note of dissent

SUKHBIR SINGH

‡ I accept subject to the attached note of dissent

RAZA ALI,

NOTE OF DISSENT.

IN the note of dissent which I submitted on the 15th July, 1913, to the Bill as amended by the Select Committee, I stated as follows with reference to section 8 of the Bill:—

"Section 8 empowers the *panchayat* constituted under the Act to carry out only such duties as are prescribed by the district or sub-divisional magistrate as the case might be. We think the powers of the *panchayat* can safely be expanded to the extent that they may have control on the expenditure of funds collected in the town area or allotted by the District Magistrate for expenditure within the area. This is necessary because without some such power the members of the *panchayat* are not expected to realize their full sense of responsibility. The members of the *panchayat* ought to be in a position to judge the requirements of the town, prepare a budget of the expenditure required in the town and advise the District Magistrate as to how to raise funds to meet liabilities. There is no risk of the power being misused. Since the system of taxation will be direct, *panchayats* cannot abuse their power by advising the levy of heavier taxes than what are required for the needs of the town without making themselves unpopular with the taxpayers who will have a voice in their election. If, on the other hand, the *panches* persistently refuse to render help in the collection of funds to meet the requirements of the town, they can under section 7 of the draft Bill be removed from their office. If the *panchayats* are given control over collection and expenditure of funds allotted to the town, they will be able to make better personal supervision over expenditure."

The Hon'ble Lala Sukhbir Singh concurred with me. I regret I am unable to see my way to alter the opinion then expressed by me with reference to section 8 as then amended and as now accepted in the new Bill.

2. The next point relates to section 14 of the Bill, under which the amount required in any town area for the purpose of the Act may be raised by the imposition of a tax to be assessed on the occupiers of houses or lands within the limits of a town area according either to their circumstances or to the annual rental value of the houses and lands occupied by them according as the District Magistrate may determine. The section provides that the tax on circumstances on any one person shall not exceed Rs. 7-3-0 per month, and in case of the tax assessed according to the annual rental value of houses or lands the amount assessed shall not exceed 6½ per cent of its annual value. I take it that only one of these two alternative forms of taxation can be introduced under this section in any town area. Personally I would have preferred to drop altogether the tax on circumstances, specially as there is no minimum limit to which people are exempted from taxation and also in view of the fact that taxation of this class is likely to lead to considerable harassment and irritation in the actual assessment of the tax; but as I hope this form of taxation will only be used as a last resort and in view of the fact that there may be town areas in which no other form of taxation may be found suitable, I have agreed to it. But I still hold that the rate mentioned is too heavy and it should not exceed Rs. 5, which, I think, is in itself as high as it can possibly be in these areas.

3. As mentioned by me in my former note the ordinary houses in town areas are of small value. Occasionally a zamindar or a house-owner who has earned money at some commercial centre or a Government servant in the course of his service gets a fancy of palatial mansions, to which sometimes the entire savings of his life are devoted. This is due partly to love for one's house and partly to sentiment, which perhaps might not be regarded as economic or wise. The owners will feel the tax even at the rate of 6½ per cent. very much and their descendants who may not be as affluent even more. I regret therefore that I am unable to accept this clause as amended on this point. I would still adhere to the maximum proposed in the original draft Bill, namely 5 per cent.

4. Subject to this note of dissent I accept the Bill as amended by the Select Committee.

The 18th August 1913.

GANGA PRASAD VARMA.

NOTE OF DISSENT

1. *Section 2, clause 1.*—This is rather complicated and should be made quite clear and simple. I am not in favour of the words “with the previous consent of” because it often happens that members have no time to consider the matter and give consent off-hand, while in a meeting they get a chance of discussing the matter in all its aspects. Therefore I think it should be clearly laid down that an act should be deemed to be the act of a *panchayat* when it is done at least with two members of it.

2. *Section 23*—I would propose that the town fund be placed under the control of the *panchayat* subject to a power of veto by the Town Magistrate.

3. In *section 14* annual value of the house or land should mean the annual letting value of them as laid down in the definitions and not the value calculated on the capital value of these buildings under the ordinary rule as put down in the minutes of the meetings held on the 26th July, 1913.

The 20th August 1913.

SUKHBIR SINGH.

NOTE OF DISSENT.

I regret I could not attend the meeting of the Select Committee held on the 26th of July, though I was present at the meeting held on the 10th of April at Lucknow. With the exceptions of minor questions there were two main points on which there was a difference of opinion among the members on the 10th April. One related to the provision in the Act for a definite number of members of the *panchayat* being returned by election. The other raised the question as to what powers should be exercised by the *panchayat*.

2 The Hon'ble Member in charge of the Bill accepted the amendment that not less than one-third of the members of the *panchayat* should be elected and I am very glad to find that the amendment has been incorporated in section 5. Personally I would have liked to see the number of elected members fixed at not less than one-half. Considering that it is possible under the Bill that at some period in the future all the members of the *panchayat* may be elected, I think it is very important that provision should be made in the Bill for securing the representation of the Moslem community. Nothing is further from my intention than to suggest a measure that should lead to estrangement between the two sister communities in these provinces. But having some experience of the friction—and its unfortunate lasting effect, displayed in the elections of municipal and district boards, I am strongly of opinion that the surest method of avoiding bitterness is to fix the number of seats that should go to each community. The number will vary according to the circumstances of each town area. But the recognition of the principle of separate representation will avoid the collision and thereby remove the animosity that now manifests itself between community and community before and after an election. The object of the proviso to section 5 being to introduce the election principle wheresoever practicable, I think the object would be better achieved if the reasons for excluding the town area from the operation of the proviso were published in the government gazette.

3 The second point deals with the powers of the *panchayat*. While recognizing that many improvements have been introduced in the Bill by the Select Committee as also by the Legal Remembrancer in redrafting, I regret I am not prepared to accept in its entirety the majority's report. It is not every day that enactments are placed on the statute book by the Legislature. In India the Legislature's activity is none too fast. The best illustration of an obsolete Act remaining in force is furnished by the Bengal Chauddairi Act XX of 1856, itself. For a generation at least there is little likelihood of any amendments being introduced in the Bill that has been before the Select Committee. To suppose that after twenty or twenty-five years no *panchayat* will be competent to do more than "to advise the District Magistrate or the Town Magistrate and generally to render such assistance to them in the discharge of their functions under this Act as may reasonably be required of it by these officers" is a poor compliment to the noble efforts that are being made by the Government for the spread and advancement of education. In my humble opinion if it is desired to associate the people with the real management of their affairs, and thereby to teach them the art of local self-government in its simplest form, it is of supreme importance that the control of the town fund, with proper safeguards, should be entrusted to the *panchayat*. The same policy of relegating the *panchayat* to an inferior position is noticeable, among others, in section 9, sub-section (3), section 10, sub-section (2), section 11, section 15, sub-section (3), the proviso to section 33 and section 38. To me it seems that to carry out the policy of the Act, it is necessary to form the *panchayat* into corporate bodies so that not only should they exercise powers but they should also undertake legal responsibilities. In this connection it might be noticed that section 10 does not clearly state as to who has got the power to make

appointments to posts of which the salary does not exceed five rupees a month. Coming to section 33, it seems advisable that the *panchayat* should be given the power to sanction prosecutions for offences under the Bill, and its powers should be concurrent with that of the Town Magistrate. Experience shows that it is highly undesirable that a magistrate who is closely associated with, or at the head of, a certain department should act as a judge in a prosecution started by the department or by himself. The Town Magistrate should not therefore be allowed to take cognizance of any offence punishable under the Bill.

4. The language of section 7 is rather vague and indefinite. There was no section corresponding to it in the draft Bill that was referred to the Select Committee. Section 28 of Act XX of 1856 is very different from the present section. There is nothing to show in the report as to why section 7 was added. I think it can safely be deleted.

MORADABAD

The 24th August 1913.

}

RAZA ALI.

THE UNITED PROVINCES TOWN
AREAS ACT.

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**[FINAL REVISED BY SELECT
COMMITTEE.]**

A

BILL

*To make better provision for the sanitation, lighting and
improvement of town areas in the United Provinces of
Agra and Oudh*

WHEREAS it is expedient to make better provision for the sanitation, lighting and improvement of town areas in the United Provinces of Agra and Oudh, It is hereby enacted as follows —

CHAPTER I

PRELIMINARY.

Short title, commence-
ment and extent

1 (1) This Act may be called
the United Provinces Towns Areas

Act, 1913

(2) It shall come into force at once, and

(3) It extends to the territories for the time being administered by the Lieutenant-Governor of the United Provinces.

Definitions

2 In this Act, unless there is
anything repugnant in the subject

or context,—

- (1) an act shall be deemed to be the act of a *panchayat*
when it is done with the
Act of a *panchayat* previous consent of, or
of a majority of, all such members for the time
being serving on the *panchayat* as are not in-
capacitated by illness or absence from the town
area from signifying their consent thereto

Provided that it is done with the previous consent of at
least two members of the *panchayat*,

- (2) “annual value” means the gross annual rent at
which any house or land
Annual value may be reasonably ex-
pected to let from year to year,

- (3) “house” includes any shop, warehouse, shed or
enclosure used for keep-
House ing carts or cattle,

- (4) “land” does not include land used for agricultural
purposes or pastoral pur-
Land poses,

- (5) “occupier” means, in the case of a house let out
to several tenants or to
Occupier lodgers or travellers, the
person who lets the house or receives or is
entitled to receive, the rents or payments from
the tenants or the lodgers or travellers,

- (6) "prescribed" means prescribed by this Act or by
Prescribed any rule or order made thereunder,
- (7) "public road" means any road, street, thoroughfare, passage or place
Public road over which the public have a right of way,
- (8) "town area" means any local area which the
Town area Local Government has declared or defined under section 3 to be a town area, and
- (9) "town magistrate" means, in respect of any town
Town magistrate area, the sub-divisional magistrate in charge of the sub-division within which such town area is situated, unless and until some other magistrate has been appointed under section 4, in which case the expression means such other magistrate.

CHAPTER II

TOWN AREAS, MAGISTRATE, PANCHAYAT AND SERVANTS

Town areas

3. (1) The Local Government may, by notification in the gazette,—

- (a) declare any town, village, suburb, bazaar or in
Declaration and definition of town areas inhabited place to be a town area for the purposes of this Act, and may unite, for the purpose of declaring the area constituted by such union to be a town area, the whole or a portion of any town, village, suburb, bazaar or inhabited place with the whole or a portion of any other town, village, suburb, bazaar or inhabited place,
- (b) define the limits of any town area for the like purposes,
- (c) include or exclude any area in or from any town area so declared or defined, and
- (d) at any time cancel any notification under this section

Provided that an agricultural village shall not be declared, or included within the limits of, a town area.

(2) The decision of the Local Government that any inhabited area is not an agricultural village within the meaning of the proviso to sub-section (1) of this section shall be final and conclusive, and the publication in the gazette of a notification declaring such area to be a town area or within the limits of a town area shall be conclusive proof of such decision

Town magistrate.

4 The district magistrate may appoint any magistrate,
Appointment of town magistrate other than the sub-divisional magistrate, to exercise the powers and perform the duties of the town magistrate under this Act in respect of any town area.

The town panchayat

Constitution of town
panchayat **5** (1) A *panchayat* shall be established for each town area.

(2) The *panchayat* shall consist of three or more members to be appointed by the district magistrate or elected in the prescribed manner or partly so appointed and partly so elected as the Local Government may by general or special order prescribe.

Proviso—At least one-third of the members of the *panchayat* shall be elected.

(3) The Local Government may by order exclude any town area from the operation of the proviso to sub-section (2) of this section.

6 (1) Subject to any rule made by the Local Government in this behalf, the term of office of a member of a town *panchayat* shall be three years.

(2) An outgoing member shall if otherwise qualified, be again eligible for appointment or election.

7 The Commissioner may remove any member of a *panchayat* who is in his opinion unfit to act or persistently remiss in the discharge of his duties as such member.

8. The duties of the *panchayat* shall be—

- (a) to perform any duty specifically assigned to it by this Act or by any rule or order made under this Act,
- (b) to advise the district magistrate, or the town magistrate, in respect of the matters prescribed in section 26, and
- (c) generally to render such assistance to the district magistrate or the town magistrate in the discharge of their functions under this Act as may reasonably be required of it by these officers.

Town servants.

9. (1) The *panchayat* shall as soon as may be practicable prepare an establishment list of the permanent staff of tax collectors and other servants necessary for carrying out the purposes of this Act and of the duties, salary and allowances to be attached to the respective posts entered therein.

(2) The *panchayat* shall when so required by the town magistrate from time to time revise the establishment list prepared under sub-section (1).

(3) Every establishment list prepared under sub-section (1) or revised under sub-section (2) shall be subject to confirmation by the town magistrate, and in the event of that officer refusing to confirm any establishment list, it shall be altered by the *panchayat* under his direction.

10. (1) Subject to confirmation by the town magistrate in the case of an appointment to a post of which the salary exceeds five rupees a month, the *panchayat* shall appoint the permanent staff prescribed in the establishment list:

(2) Subject to like confirmation, the *panchayat* may fine, suspend or dismiss any member of the permanent staff so appointed

11 With the previous sanction, express or implied, of the town magistrate the *panchayat* may from time to time appoint, prescribe the remuneration and duties of and discontinue or dismiss such servants as may temporarily be required to supplement the permanent staff

12 Except in the manner prescribed by sections 9, 10 and 11, a person shall not be appointed a town servant or employed as such

13 Every town tax collector or other town servant permanently or temporarily appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

CHAPTER III.

TAXATION AND TOWN FUND

Taxation.

14 The district magistrate shall, after ascertaining the opinion thereon of the *panchayat*, annually determine the amount required to be raised in any town area for the purposes of this Act, and the amount so determined shall be raised by the imposition of a tax to be assessed on the occupiers of houses or lands within the limits of the town area according either to their circumstances or to the annual value of the houses and lands occupied by them, as the district magistrate may in like manner determine

Provided that, in the case of a tax assessed according to circumstances as aforesaid, the amount assessed in respect of any one person shall not exceed seven rupees eight annas per month, and in the case of a tax assessed according to the annual value of houses and land, the amount assessed in respect of any house or land shall not exceed $6\frac{1}{2}$ per cent of the annual value of the house or land

Provided also that, whenever the district magistrate does not accept the opinion of the *panchayat*, he shall record his reasons in writing for not doing so

15 (1) Subject to any rules made in this behalf by the Local Government, the *panchayat* established for any town area shall, as soon as may be, prepare a list of the persons liable to pay the tax imposed under section 14 and of the amounts to be paid respectively by such persons.

(2) The *panchayat* shall, when so required by the town magistrate, from time to time revise the assessment list prepared under sub-section (1)

(3) Every assessment in a list prepared under sub-section (1) or revised under sub-section (2) shall be subject to confirmation by the town magistrate, and any assessment which such magistrate refuses to confirm shall be altered by the *panchayat* under his direction.

(4) An assessment, when confirmed by the town magistrate, shall not be subject to alteration except upon revision of the assessment list under sub-section (2) or in pursuance of an order passed in appeal under the provisions of section 18.

16. Subject to any rules made in this behalf by the Local Government the district magistrate may by order exempt in whole or in part from the payment of any tax imposed under this Act any person or class of persons or property or description of property

17. The *panchayat* shall cause a copy of every assessment list prepared or revised under section 15 and confirmed by the town magistrate to be posted in a conspicuous place within the town area and shall cause a register of assessments to be maintained at such place and in such manner as the district magistrate may prescribe

18. (1) An appeal against the assessment or levy of any tax shall lie to the district magistrate or to such magistrate other than the town magistrate as he may appoint in this behalf

(2) A court-fee shall not be payable on an appeal presented under sub-section (1) of this section

(3) An appeal under the said sub-section shall not be admitted after the expiry of thirty days from the date of posting under section 17, unless the appellant shows sufficient reason for failing to appeal within the said period

(4) The decision of the appellate authority prescribed in sub-section (1) of this section shall be final and shall not be called in question in any court

19. The tax shall be payable in such instalments, and each instalment shall become due on such date as the *panchayat* may, subject to any rules framed by the Local Government in this behalf, prescribe by notice posted in a conspicuous place within the town area

Provided that any person so desirous may pay the whole year's tax in advance

20. On failure of any person to pay any instalment of tax on or before the specified date the *panchayat* shall, ordinarily within fifteen days of such date, cause a writ of demand to be served on the defaulter or delivered at, or affixed to, his place of residence within the town area, or addressed by post to such place of residence or any other place where he may be known to reside. Any postal charges incurred under this section may be added to the arrear claimed and recovered as such.

21. Arrears of any tax imposed under this Act may be recovered, on the expiry of three weeks from the date of the issue of a writ of demand, on application to a magistrate having jurisdiction within the limits of the town area or in any

other place within the United Provinces where the defaulter may for the time being reside by the attachment and sale of any movable property belonging to such defaulter and within the limits of such magistrate's jurisdiction

Town fund.

22 For each town area there shall be formed a town fund, and there shall be placed to the credit thereof—

- (a) the proceeds of any tax imposed under the provisions of this Act,
- (b) all fines realized in cases in which prosecutions for offences committed within the limits of such town area are instituted under this Act or the rules made thereunder, or under section 34 of the Police Act, 1861, or under any other Act or rules under any other Act, in which provision is made for the credit of such fines to the town fund,
- (c) the balance (if any) standing at the credit of the *chaukidari* fund of any town comprised in such town area at the date when this Act comes into force,
- (d) all sums ordered by a court to be placed to the credit of the town fund,
- (e) the sale proceeds, except in so far as any private person is entitled to the whole or a portion thereof, of all dust, dirt, dung, or refuse (including the dead bodies of animals) collected by the town servants,
- (f) such portion of the rent or other proceeds of *nazul* property as the Local Government may direct to be placed to the credit of the town fund,
- (g) sums contributed to the town fund by any district board,
- (h) all sums received by way of loan or gift, and
- (i) such other sums as may be assigned to the town fund by any general or special order of the Local Government.

23 Subject to any rules framed in this behalf by the Local Government, the town fund shall be under the control of the town magistrate and shall be applied to—

- (a) the repayment of the principal and interest of any sum advanced as a loan by the Local Government for the purposes of this Act,
- (b) the payment of the salary and allowances of the establishment entertained under this Act,
- (c) the purchase of stationery and other contingent expenditure necessary for the purposes of this Act,
- (d) the payment of expenses incurred for the maintenance of public roads not being roads of which the maintenance is undertaken by the Government or by a district board;

- (e) the payment of expenses incurred for the repair of public wells and tanks, or for the provision of an adequate supply of pure drinking water,
- (f) the payment of expenses incurred generally for carrying out the sanitation, drainage, lighting and improvement of the town area, and
- (g) the payment of any other sums which the Local Government may by general or special order declare to be an appropriate charge on the town fund.

24 Subject to any rules made in this behalf by the Local Government, the town magistrate shall make arrangements for the proper custody of the town fund and for the remittance to such custody of all sums collected on behalf of or received to the credit of the town fund.

25 The Local Government may, by order, require a *panchayat* to carry out or detailed in such order for the drainage of the town area or for the provision of an adequate supply of pure drinking water for the town area.

CHAPTER IV.

POWERS FOR SANITARY AND OTHER PURPOSES.

26 The district magistrate, after taking into consideration any representation made in that behalf by the *panchayat*, may, by general or special order in writing, provide for all or any of the following matters within the town area, namely—

- (a) the protection from pollution, purification, and periodical examination of all sources of water used for drinking purposes,
- (b) the prohibition of the removal or use for drinking purposes of any water from any stream, well, tank or other source where such removal or use causes, or is likely to cause, disease or injury to health, and the prevention of such removal or use by the filling in of any well, tank or other receptacle or by any other method that may be considered advisable,
- (c) the prohibition of the deposit or storage of manure, refuse, or other offensive matter in a manner prejudicial to the public health, comfort or convenience;
- (d) the regulation of offensive callings or trades;
- (e) the disposal of corpses by burning or burial;
- (f) the excavation of earth and the filling up of all excavations and depressions injurious to health or offensive to the neighbourhood,
- (g) the removal of noxious vegetation,
- (h) the repair or removal of dangerous or ruinous buildings,
- (i) the disposal or destruction of materials likely to convey infection,
- (j) the regulation of slaughter-houses;

(k) the prohibition of the storage of more than a fixed quantity of petroleum in any building within the town area

27. The district magistrate may by written order delegate to the town magistrate all or any of the powers conferred by the preceding section in respect of the town area

28. A copy of every order issued under sections 26 and 27 shall be posted in some conspicuous place within the town area

29. (1) An order of the district magistrate under section 28 shall be final and shall not be called in question in any court

(2) An appeal shall lie to the district magistrate against any order passed by a sub-divisional magistrate under section 27

(3) Such appeal shall be preferred within thirty days from the date when the order was posted.

(4) The decision of the district magistrate in appeal shall be final and shall not be called in question in any court

30 The *panchayat* may cause a name to be given to any street and affixed in such place or places as it may think fit, and may also cause a number to be affixed to every house in any street or muhalla, for the purpose of identifying such house.

CHAPTER V.

OFFENCES.

31 Any person guilty of a breach of an order under section 26 shall be liable upon conviction to a fine which may extend to ten rupees, and when the breach is a continuous breach with a further fine which may extend to two rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence

32. Any person who wilfully removes, obliterates or destroys any name or number affixed by the *panchayat* under section 30 shall be liable, upon conviction, to a fine which may extend to twenty rupees.

33. Offences under this Act shall be triable by any magistrate within whose jurisdiction any such offence may have been committed.

Provided that no magistrate other than the town magistrate shall take cognizance of any offence punishable under this Act except with the previous sanction or on the complaint of the town magistrate.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS AND REPEAL.

34. When by reason of the cancellation under clause (d) of section 3 of an order under clause (a) of the said section any area ceases to be a town area, the

unexpended proceeds of any tax levied therein shall be applied for the benefit of the inhabitants of the said area as the Local Government may think fit

35. If any *panchayat* refuses or omits to perform any prescribed duty, the town magistrate may perform such duty, and any assessment made or revised or any other thing done by the town magistrate in the exercise of the powers conferred by this section may be enforced as if it had been made, revised or done by the *panchayat*

36. (1) If, in the opinion of the Local Government, a *panchayat* persistently makes default in the performance of the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, by an order published, with the reasons for making it, in the gazette declare that *panchayat* to be in default, or to have exceeded or abused its powers, and supersede it for a period to be specified in the order

(2) When a *panchayat* is so superseded, the following consequences shall ensue —

(a) All members of the *panchayat* shall as from the date of the order vacate their offices as such members,

(b) all powers and duties of the *panchayat* may, during the period of supersession, be exercised and performed by the town magistrate,

(c) on the expiration of the period of supersession specified in the order the *panchayat* shall be reconstituted and the persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for being members.

37. The Local Government may, by notification in the gazette, confer or impose on any *panchayat* established under this Act, all or any of the powers conferred or duties imposed by the Act or by rules made thereunder on the town magistrate, and in like manner may divest any *panchayat* of any power conferred or duty imposed under this section.

38. (1) The Local Government may, by notification in the gazette, extend to any town area the provisions of any section of the United Provinces Municipalities Act, 1900, subject to such restrictions and modifications (if any) as it may think fit.

(2) When any section of the said Act has been so extended the functions of the municipal board shall, for the purposes of such section, be discharged by the district magistrate or by the *panchayat*, if so empowered by the Local Government

(3) The Local Government may in like manner direct that any section of the said Act so extended shall cease to be extended to any town area

39. (1) The Local Government may make rules applicable to all or any town areas for carrying out the purposes of this Act.

Power of Local Government to make rules

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1) of this section, such rules may relate to all or any of the following matters or be for all or any of the following purposes —

- (a) to regulate and control the powers conferred by this Act or by any rule made under this section on any officer of Government or on the *panchayat*,
- (b) to prescribe for any such officer or for the *panchayat* any duty in addition to those prescribed by this Act,
- (c) to prescribe or regulate in respect of all or any town areas the number of members to compose the *panchayats* established therein,
- (d) as to the term of office of any or all of the members of any *panchayat*, and as to the method of filling casual vacancies,
- (e) as to the qualifications of electors and of candidates for election to the *panchayat*, as to the registration of such electors, as to the nomination of such candidates, as to the time of election and mode of recording votes, as to the method of settling disputes or questions arising from elections, and generally for regulating all elections under this Act,
- (f) as to the custody of the town fund,
- (g) as to the form in which any accounts are to be kept or any registers maintained,
- (h) as to the proportions in which the town fund shall be expended, and as to the preparation of estimates of income and expenditure,
- (i) as to the preparation of plans and estimates for works of construction involving expenditure from a town fund and as to the authorities by whom, and the conditions subject to which, such plans and estimates may be sanctioned,
- (j) as to the returns, statements, and reports to be submitted by the town magistrate,
- (k) to regulate the imposition, assessment and collection of any tax imposed under this Act and to prevent the evasion of the same,
- (l) as to the exemption from taxation of any person or class of persons or property or description of property

(3) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication.

Repeal.

40. The United Provinces Village Sanitation Act, 1892, shall, so long as any area is a town area under this Act, not be operative therein.

Repeal of Village Sanitation Act, 1892

41. The Bengal Chaukidari Act, 1856, in so far as it extends to the United Provinces, is hereby repealed

Repeal of Bengal Cha-
kidari Act, 1856

42. Notifications published, local limits defined, taxes imposed, assessments, revisions and appointments made, lists prepared, powers conferred, duties assigned and exemptions granted under the Bengal Chaukidari Act, 1856, shall, so far as they are consistent with the Act, have the same force and effect as if they had been respectively published, defined, imposed, made, prepared, conferred and granted under this Act and by the authority empowered thereby in such behalf.

Savings

Provided that the term of office of a *panchayat* appointed under the former Act shall not by reason of this section be extended beyond one year from date of appointment

43. In every enactment passed before this Act comes into force in which reference is made to, or to any section of, the Bengal Chaukidari Act, 1856, such reference shall, so far as may be practicable, be deemed to be made to this Act or to its corresponding section.

References in other en-
actments to the Bengal
Chaukidari Act, 1856

STATEMENT OF OBJECTS AND REASONS

THE present Bill, to make provision for the better sanitation, lighting and improvement of town areas in the United Provinces of Agra and Oudh, is intended to complete the process of providing by legislation for the sanitation of local areas.

It will apply to areas intermediate in size and importance between notified areas as constituted under the United Provinces Municipalities Act, 1900, and villages falling within the scope of the United Provinces Village Sanitation Act, 1892.

The Bill is intended to replace the Bengal *Chaukidari* Act, XX of 1856. That Act, which was mainly intended to provide for the appointment and maintenance of police *chaukidars* and only incidentally permitted the appropriation of surplus funds to the objects of the present Bill, has been rendered obsolete by the action of Government in relieving local bodies of police charges, and is otherwise unsuited to present requirements.

In pursuance of the recommendations of the Decentralization Commission, the Bill confers some, and enables the Local Government in its discretion to confer other, administrative powers on the local *panchayat*. It further introduces, subject to necessary safeguards, the elective principle into the constitution of that body.

W K PORTER,

Secretary, Legislative Council,

United Provinces



Government Gazette,

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to
this part, in order that it
may be filed as a separate
compilation

Published by Authority.

ALLAHABAD, SATURDAY, DECEMBER 27, 1913

PART VII.

LEGISLATIVE DEPARTMENT.

The 23rd December 1913.

No. 80/XVII—34.—The following Bill, which it is proposed to introduce and take into consideration at the meeting of the United Provinces Legislative Council to be held on 20th January 1914, is published for general information —

A

BILL

To amend the United Provinces Excise Act, 1910

U P Act IV of 1910
U P Act IV of 1910

WHEREAS it is expedient to amend the United Provinces Excise Act, 1910 it is hereby enacted as follows:—

Short title.

1. This Act may be called the United Provinces Excise (Amendment) Act, 1914

U P Act IV of 1910

Amendment of section 3 (12) of the U P Excise Act, IV of 1910

2 For sub-section (12) of section 3 of the United Provinces Excise Act, 1910, the following sub-section shall be substituted, namely—

3(12) "Intoxicating drug" includes "(a) cocaine, (b) *ganja*, *bhanga*, *charas* and every preparation and admixture of the same, and every intoxicating drink or substance prepared from any part of the hemp plant (*cannabis sativa*), from grain or from other material and not included in the term "liquor," but does not include opium or anything included within the meaning of that word as defined in the Opium Act, 1878;

“(c) any other substance which the Local Government may specify by notification, together with every preparation and admixture of the same”

3 After sub-section (22) of section 3 of the said Act the following sub-section shall be added, namely—

3(23). “Cocaine includes coca leaves, any alkaloid or intoxicating substance prepared from the coca plant and any preparation or admixture of any of the above”

4 For the last portion of section 60 of the said Act, that is to say the portion beginning with the words “shall be punished” and ending with the words “or with both,” the following shall be substituted, namely “shall be punished, if the offence is committed in respect of cocaine, with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and in any other case with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both”

STATEMENT OF OBJECTS AND REASONS.

This Bill is the outcome of a suggestion of the Government of India that, in view of the increase in excise prosecutions and especially in prosecutions for offences relating to cocaine, the question of raising the maximum penalties provided in the Excise Act for the more serious excise offences might be considered. It has been decided that the existing law deals sufficiently with offences connected with excisable articles other than cocaine and its allied drugs, but it is considered that a distinction in the Act should be made between cocaine and other intoxicating drugs for the purpose of punishment. At present no such distinction is made. The penalty provided by the Act, as at present framed, for a first offence under section 60 in respect of any intoxicating drug is imprisonment for a term which may extend to three months, or fine which may extend to one thousand rupees, or both. This Bill is designed to raise the maximum imprisonment for an offence under this section in respect of cocaine to one year and the maximum fine to two thousand rupees. The penalty provided by the Bill for a second or subsequent such offence will, as at present, be double that provided for a first offence.

The distinction thus made by the Bill between cocaine and other intoxicating drugs has necessitated the insertion in the Act of a definition of “cocaine,” and, as a consequence of this definition, a slight alteration in the present definition of “intoxicating drug” has also been found necessary.

A. W. PIM.



Government Gazette,

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ALLAHABAD, SATURDAY, DECEMBER 6, 1913.

PART VII.

GOVT., UNITED PROVINCES

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR THE UNITED PROVINCES OF AGRA AND OUDH, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO 1908.

The Council met at Government House, Lucknow, at 11 a m, on Monday, the 1st December, 1913.

PRESENT —

The Hon'ble SIR JAMES SCORGIE MESTON, K.C.S.I., LIEUTENANT-GOVERNOR,
presiding

The Hon'ble RANA SIR SHEORAJ SINGH, K.C.I.E

The Hon'ble MUNSHI MAHADEO PRASAD, M A., LL.B

The Hon'ble DR SUNDAR LAL, RAI BAHADUR, B.A., LL.D., C.I.E.

The Hon'ble SAIYID MUHAMMAD ABDUR RAUF.

The Hon'ble RAI SHANKAR SAHAI SAHIB,

The Hon'ble BABU BALAK RAM.

The Hon'ble RAJA KUSHALPAL SINGH, M.A., LL.B

The Hon'ble BABU BRIJNANDAN PRASAD, M.A., LL.B.

The Hon'ble PANDIT MOTI LAL NEHRU.

The Hon'ble RAI GOKUL PRASAD BAHADUR, M.A., LL.B.

The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH, K.C.I.E.

The Hon'ble KEWAJA GHULAM-US-SAQLAİN, B.A., LL.B.

The Hon'ble SAIYID RAZA ALI, B.A., LL.B.

NEW MEMBERS.

[*Dr Sundar Lal, Sayyid Abdur Rauf, His Honour the President*]

The Hon'ble SHAIKH SHAHID HUSAIN, B A, LL.B.

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR.

The Hon'ble MUNSHI ASGHAR ALI KHAN, KHAN BAHADUR, B.A., LL.B.

The Hon'ble MR H. LEDGARD

The Hon'ble MR D. C. BAILLIE, C.S.I., I.C.S.

The Hon'ble MR G. A. TWEEDY, I.C.S.

The Hon'ble MR F. W. BROWNRIGG, I.C.S.

The Hon'ble MR R. BURN, I.C.S.

The Hon'ble MR A. W. PIM, I.C.S.

The Hon'ble MR C. H. HUTTON.

The Hon'ble MR W. G. WOOD

The Hon'ble COLONEL C. C. MANIFOLD, I.M.S.

The Hon'ble LIEUT.-COLONEL C. MACAGGART, C.I.E., I.M.S.

The Hon'ble MR D. M. STRAIGHT

The Hon'ble MR H. R. C. HAILEY, I.C.S.

The Hon'ble MR E. H. ASHWORTH, I.C.S.

The Hon'ble CHAUDHRI MAHARAJ SINGH, RAI BAHADUR

The Hon'ble LALA BISHAMBHAR NATH, RAI BAHADUR

The Hon'ble COLONEL HIS HIGHNESS ALIJAH FARZAND-I-DILPAZIR
DAULAT-I-INGLISHIA MUKHLIS-UD-DAULA, NASIR-UL-MULK,
AMIR-UL-UMRA, NAWAB SIR MUHAMMAD HAMID ALI KHAN
BAHADUR, MUSTAID JANG, G.C.I.E., G.C.V.O.

The Hon'ble KUNWAR ADITYA NARAYAN SINGH

The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN, K.C.S.I.

The Hon'ble NAWAB MUMTAZ-UD-DAULA SIR MUHAMMAD FAIYAZ ALI KHAN,
K.C.I.E., K.C.V.O., C.S.I.

The Hon'ble MR F. MACKINNON.

The Hon'ble DR TEJ BAHADUR SAPRU, M.A., LL.D.

The Hon'ble LALA SUKHBIR SINGH.

The Hon'ble MR W. H. COBB, I.C.S.

The Hon'ble MR S. P. O'DONNELL, I.C.S.

The Hon'ble MR C. F. DE LA FOSSE, M.A.

The Hon'ble MR J. M. HOLMS, C.S.I., I.C.S.

The Hon'ble MR H. C. FERARD, C.I.E., I.C.S.

NEW MEMBERS.

The Hon'ble MR HOLMS, the Hon'ble MR DE LA FOSSE and the Hon'ble MR. FERARD took the oath of allegiance to the Crown proscribed by Regulation VII of the Regulations of the Governor General in Council for the nomination and election of members of the Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh and thereafter took their seats in Council

The Hon'ble DR. SUNDAR LAL said —

"Your Honour, on behalf of the non-official members of this Council, I beg to welcome you most heartily back to these provinces and to the charge of the high office you hold. Short as your absence has been we hope that you have enjoyed your rest and we are all pleased to see you amongst us"

The Hon'ble SAYYID MUHAMMAD ABDUR RAUF said —

"Your Honour, I join with my friend Dr. Sundar Lal in welcoming Your Honour back to the country on behalf of the Muhammadan community whom I represent. And now that Your Honour has come back we feel that Your Honour will have every regard to the welfare of our community in these provinces, as Your Honour generally has"

HIS HONOUR THE PRESIDENT said —

"Gentlemen of the Council, I thank you most sincerely for the extremely kind welcome which you have extended to me and for the graceful and cordial terms

QUESTIONS AND ANSWERS.

[His Honour the President, Rai Bishambhar Nath Bahadur.]

in which my honourable friends, Dr. Sundar Lal and Sayid Abdul Rauf, have given expression to your message. It is, I assure you, the highest of pleasures to be back amongst you again, and it is my prayer that during the ensuing years I may be enabled under divine guidance to work untiringly, with your help and with your counsel, for the good of the province and its people.

"While addressing you, gentlemen, I should like to take the opportunity of explaining a point of procedure in to-day's work. A considerable number of questions were notified (and timely notice was given), which do not appear in to-day's agenda. They were questions relating to the Indian troubles in Natal, and they were framed, sometimes in almost identical language, by a number of honourable members. In so far as these questions referred to plain matters of fact, upon which it was within our powers to give an answer, I allowed them, but where they dealt with matters of policy or the intentions of the Government of India I had no option but to disallow them. The situation, as all of us must recognize who read the newspapers, is one about which we are very far from having adequate or complete information. It is also, in any event, one which requires the most careful and sagacious handling, and I am sure that I have the sense of the whole Council with me in wishing that nothing should be said in this room, either by implication or otherwise, that would add to the difficulties of the Governor General in Council or His Majesty's Government in England. The rule under which I have disallowed these questions is rule 8, as I considered that it is perfectly clear that they should be put, if anywhere, in the Imperial Legislative Council.

"There is one other subject of extreme interest which I had intended to mention to you briefly to-day, and that is the famine which unhappily threatens parts of these provinces. I need not, however, occupy your time with any details, for, as it happens, in last Saturday's gazette a letter of the Chief Secretary was republished which gives a full review of the position. It is in Bundelkhand that the distress will be most widespread, and most difficult to assuage. Yesterday I had an opportunity of meeting the local officials of that division and with them I went through the plans of our campaign of famine relief. They have to face conditions which are in a measure new, even in the long and troubled history of famine and scarcity in this much afflicted area. For besides the terrible loss of food crops, we shall have a unique shortage of water and consequently an utter failure of forage. Our measures for saving human life will, I trust, be effective and complete, but the economic blow to the people which will be dealt by the loss of their plough cattle and milk cattle, can hardly be overstated. It will be our duty to prosecute every possible measure for modifying this calamity. The preliminary steps which are being taken in that direction will be explained by the Hon'ble Mr. Burn in answer to a question this morning and the Council will be kept fully informed as these measures expand and develop.

"Before sitting down I should like to say that, although it was with some reluctance that I parted with you two months ago even for the short space which was to elapse before I was to meet you again, I was happy in the feeling that I left the province under the wise and kindly guidance of my trusted friend, the Hon'ble Mr. Bailhe, than whom no one has a deeper hold on the affections of the people, and I hope he will allow me to take this opportunity of saying how warm is my gratitude to him for all that he did in my absence in circumstances that were by no means easy."

QUESTIONS AND ANSWERS

1 The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked —

"(a) Will the Government be pleased to say when it is going to fill up permanently the vacancy of the Director of Industries? How long has the present officiating arrangement been in force?

Permanent Director of Industries

QUESTIONS AND ANSWERS.

[*Mr Pim, Lala Sukhbir Singh, Mr Wood, Rana Sir Sheoraj Singh, Mr. Burn.*]

(b) Is the present officiating Director of Industries an expert in industries? If not, will the Government be pleased to fill up the vacancy by an industrial expert?

(c) Will the Government be pleased to say if it publishes for general information the annual reports of the department of Industries? If not, will the Government be pleased to consider the advisability of doing so?

(d) Will the Government be pleased to say if the advice and services of the members of the staff on the Technological College are available for the public? If so, on what conditions?"

The Hon'ble MR PIM replied —

"(a) and (b) Proposals for appointing a permanent Director of Industries have been submitted to the Government of India and it is hoped that orders will be received before long

(c) When the department has been organized the Government will consider the publication of their reports

(d) It is expected that the advice and services of the staff will be available to the public, but the conditions have not yet been laid down "

2 The Hon'ble LALA SUKHBIR SINGH asked —

'Is the Government aware that under G O No 2314W, dated the 19th June, 1906, no grass on road-sides was to be sold by the District Boards but under a subsequent G O, No 5, dated the 23rd March, 1909, roads on which a few plants were put in place of the old ones and where no new plantation was made, were sold, on account of which the villagers are much harassed and the laudable object of Government is frustrated?"

"Will it be pleased to restore the previous order and make a rule that no grass on road-sides should be sold except where any new agricultural plantation is made for a reasonable length?"

The Hon'ble MR WOOD replied —

"The orders which made unrestricted grazing possible had to be modified in 1909, in the interests of the work of road-side plantation. In view of the damage which free grazing causes to young trees, as well as of its danger to traffic on the roads, the tendency must be to restrict it rather than to enlarge it."

3. The Hon'ble RANA SIR SHEORAJ SINGH asked —

"As the British Indian Association, Oudh, represents an important body of landed aristocracy, will the Government be pleased to consider the advisability of empowering the Association to nominate a graduate, if not annually, at least in every alternate year, for a probationary deputy collectorship?"

The Hon'ble MR. BURN replied —

"The rules for nomination of deputy collectors are at present being revised and the suggestion made by the honourable member will be duly considered."

4. The Hon'ble RANA SIR SHEORAJ SINGH asked —

"(1) Is it or is it not a fact that the civil assistant surgeons are empowered under the rules to grant health certificates to officials drawing Rs. 50 and under? Will the Government be pleased to state the rules on the subject?"

(2) The Government orders issued in conformity with article 833 of the Civil Service Regulations do not authorize, but in exceptional cases, that a medical certificate signed by a civil assistant surgeon may be accepted without the countersignature of the officer in civil medical charge of the district. As civil surgeons are sometimes out in camp for a number of days, with a view to minimize the troubles of patients will the Government be pleased to see the desirability of such certificates being accepted without the countersignature of a civil surgeon, if not in all cases, at least in cases of officials drawing Rs. 50 and under?"

Sale of grass on road-sides.

Nomination of Deputy Collector - by British Indian Association.

Health certificates granted by civil assistant surgeons.

QUESTIONS AND ANSWERS.

[Mr O'Donnell, Rana Sir Sheoraj Singh, Mr Pim, Raja Kushalpal Singh, Mr Burn, Khwaja Ghulam-us-Saqlain, Mr de la Fosse]

The Hon'ble Mr O'DONNELL replied —

"(1) In the case of an officer appointed on a pay not exceeding Rs 50 all heads of departments, commissioners of divisions, district and sessions judges, and district magistrates and collectors are authorized to accept a certificate of health in any form that they consider sufficient from any qualified medical practitioner. The term qualified medical practitioner includes civil assistant surgeons.

(2) The orders under article 833 of the Civil Service Regulations, to which the honourable member refers, apply only to private medical practitioners. Medical certificates accompanying an application for leave by a non-gazetted officer in superior service must, if granted by a civil assistant surgeon, not himself in chief medical charge of the district, be countersigned by the officer in chief medical charge of the district. The Lieutenant-Governor sees no good reason to alter the existing rule in this respect."

5 The Hon'ble RANA SIR SHEORAJ SINGH asked —

"Will the Government be pleased to lay on the table two separate statements, (1) for the municipal boards, (2) for the District Boards, giving the following information for the last three years —

(a) The total number of cattle impounded in these provinces.

(b) The number released on payment of fines and other charges and the amount of fines realized under section 13 of Act I of 1871

(c) The number sold by auction as unclaimed and the amount realized as fines and the surplus unclaimed proceeds credited into treasuries?"

The Hon'ble Mr PIM replied —

"The information required is laid on the table as regards district boards. Corresponding figures cannot be given for municipal boards without local inquiries which would give an amount of trouble disproportionate to the results."

(See Appendix I.)

6. The Hon'ble RAJA KUSHALPAL SINGH asked —

"Will the Government be pleased to state whether it was asked by the Government of India to consider the expediency and practicability of reducing the revenue payable on land which had been assessed with reference to the benefits accruing to it from an irrigation work, when such work had from any cause fallen into disuse during the currency of the settlement? If so, will the Government be pleased to lay on the table a copy of the reply sent by it to the Government of India on this subject?"

The Hon'ble Mr BURN replied —

"Extracts are laid on the table."

(See Appendix II.)

7 The Hon'ble KHAWAJA GHULAM-US SAQLAIN asked:—

"Is it a fact that many headmasters (including that of Fyzabad) interpret the rule requiring double fee from failed candidate, so as to charge double the fee for games, and if so, under what rule or on what principles is it done?"

The Hon'ble Mr DE LA FOSSE replied —

"Inquiry has elicited the fact that in four schools games fees at double rates have been charged through a misinterpretation of paragraph 95A of the Educational Code. Orders for the discontinuance of the charge have been issued."

8. The Hon'ble KHAWAJA GHULAM-US SAQLAIN asked —

"With reference to the reply to my question on the 9th April, 1913, in the matter of keeping the names of the candidates in the University Examinations secret, would the Government be pleased to recommend to the University to introduce the system from the year 1914, and also ask the High Court for the adoption of the same?"

Cattle impounded released on payment of fines and sold by auction by district and municipal boards

Reduction of revenue on land where irrigation works have fallen into disuse

Double fees for games from failed candidates

Non-disclosure of names of candidates in University and High Court Examinations.

QUESTIONS AND ANSWERS

[Mr O'Donnell, *Khwaya Ghulam us Saqlain*, Mr Burn]

The Hon'ble Mr O'DONNELL replied —

"The honourable member is referred to the concluding portion of part (c) of the reply to his question on the same subject asked on April 9th, 1913. The action suggested would be premature at the present stage."

9. The Hon'ble KHAWAIA GHULAM US-SAQLAIN asked —

Etiquette for Europeans
entering Hindu or Mu-
hammadan sacred places

"(a) In view of the fact that in all oriental places entering sacred places with boots or shoes on is considered disrespectful, would the Government be pleased to order that European gentlemen entering the sacred places of the Hindus or of the Muslims may not adopt the occidental etiquette of keeping their boots on or may at least put on goloshes over their boots, which the custodians may supply and keep for the purpose?"

(b) Has a letter published in *Al-Hikl* of the 24th September, 1913, page 446, Calcutta, been brought to the notice of the Government concerning the recent rules promulgated by the local authorities of Agra regarding entry into the mosque and into the tomb of the celebrated saint Shaikh Salim Chishti, at Fatehpur-Sikri?"

The Hon'ble MR BURN replied —

"(a) In regard to the great majority of sacred places in this province, in which worship is still performed, the Lieutenant-Governor has issued, and proposes to issue, no orders. The question of admission is one for their custodians, and Europeans desiring to enter must conform to their wishes. There are, however, a few places the control of which has become vested in Government, and which are visited for their historic interest by Europeans. The Lieutenant-Governor believes that for the most part European visitors have shown the same respect in visiting such buildings as they would in their own sacred places. The practice to be observed at Fatehpur-Sikri, referred to in the second part of this question, was recently considered by the Lieutenant-Governor. A complaint had been made by an Indian visitor that the attendants at the shrine had requested him to take off his shoes before entering even the courtyard in which the shrine is situated, and had demanded a gratification for guarding the shoes. On inquiry it appeared that an innovation had been made in requiring Europeans to wear over-shoes and that this was being used to procure gifts. The matter appeared to His Honour one for decision on the basis of old custom and the religious observances of each creed. He therefore directed that visitors wishing to enter the tomb of Shaikh Salim Chishti and the adjacent mosque should be required, if Europeans, to remove their hats, and if Indians to remove their shoes. Outside the tomb and mosque no restrictions were imposed. The Lieutenant-Governor sees no reason to alter these orders."

(b) The answer is in the negative."

10. The Hon'ble KHAWAIA GHULAM-US-SAQLAIN asked —

Principal and interest
decreed by courts of law,

"Would the Government be pleased to lay on the table the information which it has obtained with reference to a question of mine on the 22nd January, 1913, regarding the proportion between the principal and the interest decreed by courts of law in general, which information was supplied to me by a letter of Mr. B. H. Bourdillon, No 635/VII—91-1913, dated the 8th May, 1913?"

The Hon'ble MR. O'DONNELL replied. —

"The proportion between principal and interest decreed by courts of law in general cannot be ascertained without inquiry and tabulation too extensive to undertake. The information referred to by the honourable member shows the proportion in exceptional cases. The statements are laid on the table."

(See Appendix III.)

QUESTIONS AND ANSWERS.

[*Khwaja Ghulam-us-Saqlain, Mr. O'Donnell, Mr. Pim*]

11 The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

"Is the Government aware that the Egyptian Government at the special instance of the British representative, Lord Kitchener, has enacted a law in Egypt punishing any person found taking interest beyond 9 per cent. per annum, and that the press of these provinces has generally eulogized the passing of this law?"

Interest beyond 9 per cent prohibited by the Egyptian Government

The Hon'ble MR O'DONNELL replied —

"The Government has so far no knowledge of the existence of any such enactment."

12 The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

"Is it a fact that after the passing of the Money Lenders Act the English courts of law have a discretion in the matter of reducing interest and have reduced interest to 5 per cent (vide Lord Halsbury's *Laws of England*— article Money Lenders Act)?"

Reduction of interest by the English courts of law

The Hon'ble MR O'DONNELL replied —

"The answer to the first part of the question is in the negative if the discretion referred to is a general discretion to reduce interest exercisable in all cases between a lender and a borrower it is in the affirmative if the discretion referred to is confined to cases between professional money-lenders and their clients where the court finds the transaction harsh and unconscionable

"The answer to the second part of the question is that it is the usual practice, apart from special circumstances, to allow 5 per cent interest where the discretion referred to above is exercised."

13 The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked :—

"(a) Is the Government aware that the present insolvency law has been causing immense hardships to business men, as no insolvency applications can be dismissed?"

Hardship due to the present insolvency law

(b) Would the Government be pleased to inquire of the leading commercial firms and the district judges whether the insolvency law is working satisfactorily or is causing inconvenience to the public?"

The Hon'ble MR O'DONNELL replied —

"Definite information is not at present before Government, but it is proposed to institute inquiries."

14 The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

"Has resolution No. 4 of the Provincial Conference of Fyzabad, held on 5th October, been brought to the notice of the Government, regarding the settlement of the provincial finance, and in view of the fact that education is greatly suffering and other necessary reforms are at a stand-still, would the Government be pleased to move the Imperial Government for a revision of the present settlement so that by the time the next budget is discussed the required sanction may be obtained?"

Settlement of provincial finance

The Hon'ble MR PIM replied —

"The answer to the first part of the question is in the affirmative.

"The Government does not admit that reforms are at a stand-still and does not propose to take the action suggested by the honourable member."

15. The Hon'ble KHWAJA GHULAM-US-SAQLAIN asked —

"(a) Would the Government be pleased to state the total working capital of the co-operative banks in various districts of the United Provinces?"

Co operative banks

(b) If banks for artisans or agriculturists be started, could the Government advance money to the promoters, and otherwise what help can be afforded to such persons as would start such banks?"

QUESTIONS AND ANSWERS

[Mr Burn, Babu Brijnandan Prasad, Mr Hutton, Mr Tweedy]

The Hon'ble MR BURN replied —

- (a) The information asked for by the honourable member is to be found in the annual reports on the working of co-operative credit societies.
- (b) It is the policy of Government to avoid so far as possible all artificial stimulus to the spread of the co-operative credit system. Advances of money are therefore not given except in very exceptional circumstances. The Registrar will, however, always be ready to give advice to such persons as ask for it, and his staff assists in organizing new societies."

16 The Hon'ble BABU BRIJNANDAN PRASAD asked —

Canal signallors

"Has the attention of the Government been drawn to the grievances of the 'Canal Signallers' published in the *Leader* of the 14th August, 1913, on page 6, column 3? Will the Government be pleased to give them some relief and to improve their prospects?"

The Hon'ble MR HUTTON replied —

"The attention of Government has been called to the article in the *Leader* referred to.

"The scale of pay of canal signallers was only revised in October 1911, from Rs 25, 20, 15, 12, 10, to Rs. 25 and 20.

"In addition free quarters are provided for signallers and their families.

Their work is as a rule light. In the circumstances the Government does not consider any further relief necessary.

"Educationally qualified men are eligible for promotion to the clerical establishment, but under the rules in force those who have not passed the prescribed educational test cannot be so promoted."

17. The Hon'ble BABU BRIJNANDAN PRASAD asked —

Indians and Anglo
Indians in the Excise
Department

"Will the Government be pleased to state how far the complaints mentioned in the correspondence headed "Indians and Anglo-Indians in the Excise Department," published in the *Leader*, dated the 5th September, 1913, at page 3, column 4, are true? How many new appointments as excise inspectors were made during the last three years to grades other than the lowest? How many of them were given to Anglo-Indians and what were their respective qualifications?"

The Hon'ble MR TWEEDY replied —

"The case which has been stated in the newspaper correspondence referred to is highly misleading. It insinuates that certain distinctions in pay and duties conferred on a limited number of European and Anglo-Indian excise inspectors are the result of race favouritism. This is not so. With the advent of the contract supply system it was necessary for Government to establish control over firms of large European distilleries, and special posts with special pay were created for this purpose. No purely Indian excise inspector could be found at that time capable of undertaking such duties to the satisfaction of all concerned. But as the Madras system is extended, more and more opportunity will be given to Indians who are found fitted for special posts. Recently at Anwarganj distillery in Cawnpore Government has sanctioned an Indian inspector on Rs 100 per mensem and a similar post will be created when the Gorakhpur and Azamgarh districts come under the contract supply system.

"Only two new appointments have been made in the last three years to grades other than the lowest. The first was that of Mr Farnon appointed on the 28th November, 1910 in the Rs 100 grade as a reserve officer for European distilleries. This was explained in Mr Reynolds' answer in April, 1911, to a question asked by the Hon'ble Raja Kushalpal Singh.

"The second was that of Mr Marshall appointed on the 15th November, 1912, in succession to Mr Farnon when the latter obtained a distillery appointment. Both these officers were well qualified and held High School Leaving Certificates,

QUESTIONS AND ANSWERS.

[Babu Brijnandan Prasad, Mr O'Donnell, Mr Burn]

"The suggestion that Anglo-Indians (s.c. Europeans) have been favoured in the matter of officiating appointments to Assistant Commissioners is equally untrue. Selections have been made according to the suitability of possible candidates and without reference to race. As a matter of fact, in at least two instances Indians have been appointed.

"The charge that Anglo-Indians have been favoured in their training is equally untrue. So far as possible all candidates are sent for training to places near to their homes. No candidate has ever been posted for training to Kotdwara."

18. The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Will the Government be pleased to state whether the conduct of any gazetted police officer at Rae Bareilly was the subject of inquiry? If so, what were the charges against him and who conducted the inquiry? What was the result of the inquiry? Has the Government gone through the papers thereof? Will the Government cause a thorough inquiry to be made particularly as to the points noted in the *Leader* of the 30th September, 1913, at page 3, column 4?"

Inquiry as to the conduct of a gazetted police officer at Rae Bareilly.

The Hon'ble MR O'DONNELL replied:—

"The conduct of Shaikh Habib-ullah, Khan Bahadur, in certain dakaiti cases at Rae Bareilly, where he was Deputy Superintendent of Police, has recently been the subject of inquiry. The inquiry was departmental and consequently the charges will not be published. It was conducted by Mr Adams, Superintendent of Police of the district, and was checked by the District Magistrate, Mr. Faunthorpe. It resulted in the exoneration of Shaikh Habib-ullah from all blame.

"The Lieutenant-Governor has been through the papers of the inquiry, which was carried out with care and ability, and he does not propose to direct any further investigation of the subject."

19. The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Has the attention of Government been drawn to the petition submitted by the Naini Tal Arya Samaj this year to the Commissioner of Kumaun regarding the prohibition of the singing of *bhajans* during Ramzan? How far are the facts regarding the Samaj mandir and Niyaz-ud-din's shop correctly stated therein? Will the Government be pleased to make a thorough inquiry into the matter and before the next Ramzan issue proper orders which may do justice to the parties concerned?"

Singing *bhajans* during Ramzan at Naini Tal.

The Hon'ble MR BURN replied:—

"The Lieutenant-Governor has seen the petition submitted by the Naini Tal Arya Samaj this year to the Commissioner of Kumaun regarding the singing of *bhajans* during Ramzan. It would appear that the statements made in that petition are not entirely correct. There are three shops occupied by Musalmans immediately opposite the Arya Samaj library. Two of these shops have recently changed hands, but the third, in which certain Musalman tailors have been accustomed to read the Quran during Ramzan, has been occupied by Niyaz-ud-din since 1899. The building now occupied by the Samaj was not constructed till 1907. In the application presented to the municipal board for permission to erect, it is described as a house or building, in vernacular *makan*, and not as a temple. The singing of *bhajans* in this building is reported to have first begun in 1911. In that year the Muhammadans asked that in the month of Ramzan the singing of *bhajans* might be discontinued during their prayer time. The request was held to be reasonable and an amicable agreement was arrived at to that effect. A similar arrangement was suggested in 1912, but fell through and action had to be taken by the Magistrate. This year again the parties failed to settle the dispute and the Magistrate was appealed to. In the first place he passed an

QUESTIONS AND ANSWERS

[*Rai Bishambhar Nath Bahadur, Mr Burn, Babu Brijnandan Prasad, Mr Tweedy*]

order directing the members of the Samaj to refrain from singing and the performance of religious ceremonies within the building between the hours of 8 30 and 10 30 p m Subsequently he received a deputation of members of the Samaj and modified his first order so as to allow religious ceremonies to take place even after 8 30 p m if they involved no noise In the ordinary course of events the Aiyā Samaj were accustomed to cease singing at 9 p m The Lieutenant-Governor considers that the orders of the Deputy Commissioner were quite reasonable and provided adequately for the convenience of both parties. He does not propose to issue any further orders on the subject.

20. The Hon'ble RAI BISHAMBHAR NATH BAHADUR asked—

"Has the attention of the Government been drawn to an article entitled 'Sanyukt Pradesh ki Qanuni Hindi' published in the last October issue of the *Saraswati* giving concrete examples of stiffness of the language apart from legal technicalities in the books published by the Government in Devnagari character and will the Government be pleased to see that the language is not unusually difficult in the future issues of such Government publications?"

The Hon'ble MR BURN replied—

"The honourable member is referred to the answer given to question No 72 asked by him at the Council meeting of 15th September, 1913. The translation criticized by the *Saraswati* in its issue of October, 1913 was made under the orders of the Government of India to which a copy of this question and answer will be forwarded."

21. The Hon'ble BABU BRIJNANDAN PRASAD asked—

"Will the Government be pleased to state, after necessary inquiry, if it is a fact that in the Punjab rahdari licences and licences for sale of liquor at fairs have already been discontinued for certain fairs (*Leader*, dated 30th September, 1913, page 3, column 3) and further action in the same direction is contemplated? Will the Government be pleased to consider the advisability of taking similar action in these provinces?"

The Hon'ble MR TWEEDY replied—

"The only information available as to the action taken as regards "rahdari" or fair licences for sale of country liquor in the Punjab is given in paragraph 16 of the Punjab Excise Administration Report for 1912-13, which is quoted word for word in the first thirteen lines of the article in the *Leader*."

"As to these provinces no licences such as the Punjab "rahdari" licences have ever been issued. As to special licences for the sale of liquor at fairs, action is already being taken with a view to reducing to the absolute minimum the number of such licences at fairs which can be classed as religious fairs."

22. The Hon'ble BABU BRIJNANDAN PRASAD asked—

"Are *abadli* lands and house sites liable to new assessment of revenue or increment thereof at the time of settlement? Is it a fact that, while generally they are not newly assessed and in case they had been previously assessed the revenue thereon is not increased, in some districts, e.g., Moradabad, house sites were newly assessed at the last settlement? Is there a settlement manual in which the general principles of assessment are definitely laid down? Will the Government be pleased to include general principles of assessment in the revenue legislation as suggested by the Decentralization Commission in paragraph 252 of its report or at least to compile a complete settlement code?"

The Hon'ble MR BURN replied—

"1. The law as to the liability of land to assessment of land revenue is contained in section 58 of the Land Revenue Act, U. P. III of 1901, the relevant portions of which are as follows—

(1) All land, to whatever purpose applied and wherever situate, is liable to the payment of revenue to the Government, except such land as has

Difficult language of Government legal publications in Devnagari character.

Discontinuation of rahdari licences and licences for the sale of liquor in the Punjab.

New assessment to revenue of *abadli* lands and house sites.

QUESTIONS AND ANSWERS

[Babu Brynandan Prasad, Mr O'Donnell]

been wholly exempted from such liability by special grant of, or contract with the Government, or by the provisions of any law for the time being in force

- (3) No length of occupancy of any land, nor any grant of land made by the proprietor, shall release such land from the liability to pay revenue

"In actual assessment the Government has, as an act of grace, to some extent relaxed this provision as regards land occupied by buildings which has hitherto not paid revenue. The orders now in force are contained in rule 35, Board's Circular 1—I, which runs:—

All land, not the property of Government is liable to assessment under the ordinary rules whether it be within or without the limits of a town or cantonment, but this liability should not *ordinarily* be enforced in the case of land which has long been occupied by buildings and which hitherto has not paid revenue"

II In the recent Moradabad settlement, the settlement officer assessed revenue for the first time on an area of 141 acres, most of which was included in the compounds of the houses occupied by the residents in civil lines. This land had at the previous settlement been omitted from assessment of revenue because it was situated in the Moradabad cantonment, which was abolished in 1897. The owners would appear to have no ground for complaint, inasmuch as if they had not been called on to pay land revenue they would appear to have been liable to pay ground rent as in the case of the old Dehra Dun cantonment. No objection was raised at the time to this assessment

III. Details of the principles governing the assessment of land are contained in the Board's Circulars, Department I, Settlement of Land Revenue, which in themselves form a complete settlement code. The Government does not consider it expedient to stereotype by legislation orders which have in the past been found periodically to require amendment or alteration in view of varying conditions"

23 The Hon'ble BABU BRIJNANDAN PRASAD asked —

"Will the Government be pleased to state how many of the tahsildars in the Kumaun division try civil cases and how many of them have little or no civil work? How many of them have passed the examination in civil laws and how many of them are exempt from passing the said examination."

The Hon'ble Mr. O'DONNELL replied —

"There are four tahsildars in the Kumaun division who may have to try civil cases, but of these three have little or no civil work to do. Of the tahsildars in the Kumaun division four have passed the departmental examination in civil law. Two are exempt"

24. The Hon'ble BABU BRIJNANDAN PRASAD asked —

"(a) Will the Government be pleased to state if it is a fact that while tahsildar candidates from Kumaun, and deputy collectors and tahsildars posted in Kumaun who have not before such posting completely passed the departmental examination have to pass the examination in civil law also, those who have already passed the departmental examination in subjects other than the civil laws are not required to pass in the civil law on such posting, although all of them exercise civil jurisdiction? If so, why is passing in civil laws deemed necessary in one case and not in the other?"

(b) In view of the fact that such distinction places the Kumaunese in a more difficult position, so far at least as passing the examination is concerned, will the Government be pleased to so modify the rules as to give them equal facilities?

(c) In case the Government deems it proper to keep the existing rules regarding the examination in civil laws, will the Government be pleased to give the candidates from Kumaun four years instead of three for passing the examination?"

Tahsildars in the Kumaun division trying civil cases,

Examination in civil law of tahsildars and deputy collectors of Kumaun

QUESTIONS AND ANSWERS.

[Mr. O'Donnell, Babu Brynandan Prasad, Mr. Hailey, Raja Sir Muhammad Tasaddug Rasul Khan, Mr. Burn]

The Hon'ble MR O'DONNELL replied —

- "(a) The answer is in the affirmative. Officers who having completely passed the departmental examination elsewhere are subsequently posted to Kumaun, are usually senior men with considerable judicial experience, in whose case a further test in civil law is not considered necessary.
- (b) The Government is not prepared to exempt candidates from Kumaun from the departmental test in civil law imposed by the present rules.
- (c) Government is not prepared to extend the normal period for passing the examination. Extensions in individual cases are always allowed for good reasons shown."

25. The Hon'ble BABU BRIJNANDAN PRASAD asked —

Expenditure of money
allotted to agricultural
improvements.

"Will the Government be pleased to state how much of the money allotted for agricultural improvements during the last three years was spent on buildings, official tours, &c., and how much on actual agricultural improvements?"

The Hon'ble MR HAILEY replied —

"The total departmental expenditure in 1910-11 including expenditure on the upkeep of the Agricultural College and boring department amounted to Rs. 8,65,878, of which Rs. 37,634 was spent on tour charges. The expenditure on buildings was Rs. 3,853 from the budget of the Agricultural department. In 1911-12 the total expenditure amounted to Rs. 4,95,145, of which Rs. 33,161 was expended on tour charges and Rs. 15,855 on buildings. In 1912-13 the total expenditure was Rs. 5,20,800, of which Rs. 37,680 was spent on tour charges and Rs. 30,325 on buildings."

26. The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN asked. —

Inquiries under section
9 of Act IV of 1912 as to
zamindari estates

"Will the Government be pleased to state—

- (a) In how many zamindari estates, since the passing of the new Court of Wards Act, IV of 1912, inquiries under section 9 of the said Act were instituted by Government orders?
- (b) How many of such estates were taken under the management of the Court of Wards and how many were refused owing to the intensity of debts?
- (c) Of the incumbrances on these estates how many were covered by registered deeds of hypothecation and how many by pro-notes and which of them were larger in number?

The Hon'ble MR. BURN replied —

- "(a) Inquiries into the circumstances of proprietors and the extent of their indebtedness have been held under the orders of the Government regarding five estates.
- (b) In two cases the proprietors were disqualified under clause (d) of sub-section (1) of section 8 of the Court of Wards Act, 1912. In two others the amount of indebtedness was so great that the Government declined to disqualify the proprietors. In the fifth, disqualification was considered unnecessary for various reasons, one being that the owner had made satisfactory arrangements for the liquidation of his debts.

Complete information is not available in the form desired by the honourable member. Secured debts amounted to Rs. 32,700 and unsecured to Rs. 14,45,000. The latter item included Rs. 88,000 borrowed on pro-notes.

QUESTIONS AND ANSWERS

[*Raja Sir Muhammad Tasadduq Rasul Khan, Mr. Burn, Saiyid Muhammad Abdur Rauf*]

27. The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN asked —
 "Has the attention of the Government been drawn to the fact that in most cases these pro-notes appeared to have been of very short duration, say, of within six months or a year's standing, and executed with the main object of magnifying the bulk of debts and finally liquidated through courts like other real incumbrances?"

Promissory notes of short duration

The Hon'ble MR. BURN replied —

"The pro-notes, shown in the preceding answer as aggregating Rs 86,000, related to a single estate. They were 42 in number, 4 were executed within six months of the disqualification of the proprietor and 19 and 11, respectively, in the two half-years preceding. In this respect it must be borne in mind that the inquiry directed under sub-section (1) of section 9 of the Court of Wards Act covered a period of six months. After the date on which the preliminary notification issued the prohibitions laid down by sub-section (3) of section 9 were in force and the proprietor was not competent to enter into any contract which might involve him in any pecuniary liability. There is no reason to suppose that the object of the proprietor was that indicated by the honourable member."

28. The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN asked —

"In order to ensure the free operation of section 9 and to safeguard the landholders from the undue accumulation of debts on their properties, will the Government be pleased to make a provision in the Registration Act that all pro-notes should be registered within two weeks from the date of their execution?"

Provision as to promissory notes in the Registration Act

The Hon'ble MR. BURN replied —

"The policy of Government is to make registration of documents compulsory only in the case of those directly affecting immovable property. To make the registration of pro-notes compulsory would contravene this policy and would lead to grave inconvenience in business."

29. The Hon'ble SAIYID MUHAMMAD ABDUR RAUF asked —

"Is the Government aware that the Muhammadans of Ajudhia and Bilgram were prohibited from sacrificing cows this year during the Baqr-Id festival on the 9th, 10th, 11th and 12th November?"

Prohibition of cow-sacrifice at Ajudhia and Bilgram

The Hon'ble MR. BURN replied —

"The answer is in the affirmative."

30. The Hon'ble SAIYID MUHAMMAD ABDUR RAUF asked —

"If so, will the Government be pleased to state under what authority did the district officials deprive a section of His Majesty's subjects of a civil and religious right?"

Prohibition of cow-sacrifice at Ajudhia and Bilgram.

The Hon'ble MR. BURN replied —

"The action of the district officials was taken under the provisions of section 144, Criminal Procedure Code."

The Hon'ble SAIYID MUHAMMAD ABDUR RAUF said:—

"I wish to ask a supplementary question in connection with question no. 30, and that is 'Will the Government be pleased to state whether any instructions or authority were sent from the central Government to the local authorities?'"

Authority from Government as to prohibition of sacrifice.

The Hon'ble MR. BURN said —

"I must ask for notice."

31. The Hon'ble SAIYID MUHAMMAD ABDUR RAUF asked —

"Did the Government receive any representation from the Muhammadans of Fyzabad or Ajudhia drawing its attention to the action of the Deputy Commissioner of Fyzabad prohibiting cow sacrifice? If so, what orders was the Government pleased to pass?"

Prohibition of cow sacrifice at Fyzabad or Ajudhia.

QUESTIONS AND ANSWERS

[Mr Burn, Saiyid Muhammad Abdur Rauf, Dr Tej Bahadur Sapru,
M Pm]

The Hon'ble MR BURN replied.—

'The answer to the first part of the question is in the affirmative. The Commissioner was asked to inform the memorialists that the Lieutenant-Governor understood that orders forbidding the sacrifice had been issued under the Criminal Procedure Code and that he declined to interfere with them.'

Cow-sacrifice at Ajudhia and Bilgram.

32 The Hon'ble SAIYID MUHAMMAD ABDUR RAUF asked.—

'Will the Government be pleased to lay on the table all the papers relating to the question of cow sacrifice in Ajudhia and Bilgram?'

The Hon'ble MR BURN replied.—

'The Lieutenant-Governor is unable to lay any papers on the table.'

Muhammadans of Ajudhia and Fyzabad abstaining from Baqi-Id prayer.

33 The Hon'ble SAIYID MUHAMMAD ABDUR RAUF asked.—

'Is it a fact that the Muhammadans of Fyzabad and Ajudhia did not congregate in the Idgah this year to offer their Baqi-Id prayer?'

The Hon'ble MR BURN replied.—

'The statement is believed to be correct so far as Sunni Muhammadans are concerned. The Shias are reported to have offered their prayers as usual.'

Interference in Muhammadan ceremonies.

34 The Hon'ble SAIYID MUHAMMAD ABDUR RAUF asked.—

'Does the Government intend to take such steps as may secure to the Muhammadans their legal rights in such a way that there may in future be no interference in the performance of their religious ceremonies?'

The Hon'ble MR BURN replied.—

'The Lieutenant-Governor is prepared to take all reasonable measures necessary to protect the legal rights of all sections of the community. But he is unable to interfere with the discretion vested in Magistrates by law in cases of emergency to prevent acts which might cause a breach of the peace.'

Prohibition of cattle sacrifice at Ajudhiya.

35 The Hon'ble SAIYID MUHAMMAD ABDUR RAUF asked.—

'Has the attention of the Government been drawn to the paper *Qasur-e-Hind* of Fyzabad, dated the 16th November, 1913, pages 1 to 3, which contains a statement to the effect that the Deputy Commissioner of Fyzabad issued an order on the 9th of November prohibiting the sacrifice of all kinds of cattle in Ajudhia?'

The Hon'ble MR BURN replied.—

'The Lieutenant-Governor has not seen the statement quoted. The facts are that on November 1st the District Magistrate of Fyzabad issued a general order under section 144, Criminal Procedure Code, forbidding all persons to drive cattle intended for slaughter through any street or public place in Ajudhia without his permission. Subsequently 36 orders were issued on various dates under the same section to individuals forbidding them to slaughter. Lastly on November 10th the Magistrate recorded a general order, forbidding the sacrifice of cows and bullocks within the boundaries of the city of Ajudhia on the 10th, 11th or 12th of November 1913.'

Communications from Mr. Gokhale as to treatment of Indians in South Africa.

36. The Hon'ble DR TEJ BAHADUR SAPRU asked.—

'Has the attention of Government been drawn to the telegrams received by the Hon'ble Mr. Gokhale from Natal, which appeared in the *Leader* of the 18th November, 1913, and also the communication issued by the Hon'ble Mr. Gokhale which appeared in the same issue of the *Leader* describing the treatment of Indians by the South African Union Government.'

The Hon'ble MR. Pm replied.—

'The answer is in the affirmative.'

QUESTIONS AND ANSWERS.

[Savayd Razu Ali, Mr O'Donnell.]

37. The Hon'ble SAHYID RAZA ALI asked —

"(a) Has the attention of Government been drawn to the *Indian Daily Telegraph* of the 24th and 29th October, 1913, in which peculiar hardships of the civil courts clerks' are described at some length ?

Hardships of civil court clerks.

(b) When was the present scale of pay fixed ?

(c) Was the entire question of the pay of the ministerial service referred to the committee that was appointed some years ago and that is known after the name of the late Mr Greeven ?

(d) Will not some of the hardships be met by encouraging transfers between the ministerial branches of the various departments, for instance Judicial, Police, Jail, and Education ?"

The Hon'ble MR O'DONNELL replied —

"(a) The attention of the Government has been drawn to the articles referred to by the honourable member

(b) The present scale of pay was fixed on 1st January, 1906, on the basis of the recommendations made by Mr. Dupernex, who had been placed on special duty to consider the revision of civil courts' establishments and their pay.

(c) The honourable member is referred to paragraph 3 of Resolution No 4227/II—310-1907, dated 24th September, 1907, a copy of which is laid on the table

(d) There is at present no bar to the transfers referred to if the heads of the offices concerned agree. But the Government cannot unduly press for such transfers, as they would often lead to inconvenience, and in some cases would give rise to reasonable feelings of discontent on the part of clerks who are deprived of expected promotion."

(See Appendix IV.)

38 The Hon'ble SAHYID RAZA ALI asked:—

"(a) Will Government be pleased to state on what principle men are selected to discharge the duties of an honorary magistrate ?

Qualifications of honorary magistrates

(b) Is it not a fact that in making selections more regard is paid to the candidate's services to the State than to his competency ?

(c) Is it true that some of the honorary magistrates can just sign their names and are not competent enough to write a judgement ?"

The Hon'ble MR. O'DONNELL replied —

"(a) The selection of honorary magistrates lies in the first instance with the local authorities who submit proposals to Government. The principle observed is to select gentlemen of good character and position who are considered capable of performing the duties allotted to them

(b) Both considerations are duly weighed.

(c) The Government is aware of no such cases."

39. The Hon'ble SAHYID RAZA ALI asked —

"(a) Are there any definite rules regulating the promotion and transfer of sub-registrars, and if so, when were these rules made ?

Promotion and transfer of sub registrars

(b) What is the total number of sub-registrars and how many of them are graduates ?

(c) Is due regard paid to educational qualifications in giving promotions ? "

QUESTIONS AND ANSWERS.

[*Mr. Harley; Sayyid Raza Ali, Mr. Burn*]

The Hon'ble MR HAILEY replied —

- (a) Rules regulating the appointment, grading, and promotion of sub-registrars are placed on the table. The power of transferring sub-registrars is, under Rule 10 of the Registration Manual, vested in the Inspector-General.
- (b) Total number of departmental sub-registrars is 218, of whom 10 are graduates.
- (c) Reference is invited to Rule 10 of the above mentioned rules."

(See Appendix V)

40. The Hon'ble SAYYID RAZA ALI asked —

Graduation list of
sub registrars

"(a) Will Government be pleased to lay on the table the graduation list of the sub-registrars showing —

- (1) educational qualifications and
- (2) the date of commencement of service in the department.
- (b) Is there any age-limit at which a sub-registrar must retire?
- (c) If not, will Government be pleased to make retirement compulsory at a certain age, which will produce greater efficiency and at the same time avoid a block in the service?
- (d) Considering that promotion in the lower grades is very slow will Government be pleased to consider the advisability of abolishing the grade of Rs. 60 so as to admit of promotion from Rs. 50 to Rs. 75?"

The Hon'ble MR. HAILEY replied —

"(a) The graduation list of sub-registrars as it stood on 1st September 1913 is placed on the table. It shows the date of commencement of service as sub-registrar.

A statement showing the educational qualifications of each sub-registrar would require a considerable time to prepare, and it would serve no useful purpose. Many of the older sub-registrars were appointed without regard to the examinations they had passed. The same qualifications are now required as for appointments to other Government posts carrying a salary of Rs. 25 or upwards.

(b) Retirements of sub-registrars, like other Government servants, are regulated by paragraphs 1855 to 1861 of the Manual of Government Orders. If the Registrar recommends, extension of service up to the age of 60 is allowed by the Inspector-General, and in rare cases the sanction of Government is obtained to the retention in service of a sub-registrar over the age of 60.

(c) There is no reason why the general rules applicable to other departments and referred to in the reply to the previous question should not apply to sub-registrars.

(d) Government is not prepared to abolish the Rs. 60 grade."

(See Appendix VI.)

41. The Hon'ble SAYYID RAZA ALI asked —

Temporary vacancy in
the post of Deputy
Commissioner of Hardoi.

"(a) Will Government be pleased to state whether in filling the temporary vacancy in the post of Deputy Commissioner of Hardoi the Government consulted the Board of Revenue?

(b) Is it or is it not a fact that the promotion was not given to the official recommended by the Board of Revenue?

(c) Will Government be pleased to state why it was deemed necessary to override the Board's recommendation?"

The Hon'ble MR. BURN replied —

"(a) The answer is in the negative.

(b) and (c). These parts of the question do not arise."

QUESTIONS AND ANSWERS

[Dr. Tej Bahadur Sapru, Mr. Pim, Sayyid Raza Ali, Mr. O'Donnell]

42 The Hon'ble DR TEJ BAHADUR SAPRU asked —

"Will Government be pleased to state whether any indentured labourers are being recruited at present in these provinces for emigration to South Africa, and if so, in view of the circumstances referred to in question no 36 will Government be pleased to issue instructions to stop the emigration of Indians to that country?"

Recruitment of indentured labourers for South Africa.

The Hon'ble MR PIM replied —

"The honourable member is referred to the answer to question no. 57"

43. The Hon'ble SAYYID RAZA ALI asked —

"(a) Is it true that Mr H G Waiburton, Sessions Judge of Lucknow, held court on the 1d day (3rd September) and that the Musalman officials were thereby prevented from observing their religious commandments?"

Court held on 1d day.

(b) Will Government be pleased to take such steps as to it may appear proper in order to secure to the Amla class the full benefit of important holidays?"

The Hon'ble MR O'DONNELL replied —

"(a) It is true that the Sessions Judge of Lucknow held court in order to conclude a murder case on the 3rd of September, but all the court officials and pleaders engaged in the case were non-Musalmans. For the convenience of one of the assessors and the police officer in charge of the case, who were Musalmans, the court did not sit till 11 a.m., thus allowing time for all religious observances.

(b) The Government does not consider that the circumstances of the case render any steps necessary."

44. The Hon'ble SAYYID RAZA ALI asked:—

"(a) Has the attention of Government been drawn to a letter entitled 'Text-Book Committee' published in the *Leader* of the 12th June, 1913 (page 6, column 3)?"

University text-books.

(b) Are the allegations contained in it correct?"

(c) Will Government be pleased to state why Adib-i-Urdu that was 'not required' in 1911 has been included in the curriculum of 1913 and Chamanistan-i-Urdu omitted therefrom?"

The Hon'ble MR O'DONNELL replied —

"The Government has seen the letter referred to. Prior to the issue of the orders in question the Urdu readers prescribed were (a) the Muntakhabat-i-Urdu or the Chamanistan-i-Urdu for classes V and VI and the Muntakhabat-i-Urdu for classes VII and VIII. The Text-Book Committee considered that the Muntakhabat-i-Urdu had serious defects and that the Chamanistan-i-Urdu, though suitable for vernacular schools, was unsuitable for Anglo-vernacular schools, in view of the fact that the selections were culled from other books in use. On a consideration of the position the Government decided to sanction a proposal for the replacement of both works by the Adib-i-Urdu, a work favourably reported on by a number of Urdu scholars. The phrase 'not required' in the proceedings of the Text-Book Committee had no reference to the merits of the book, but to there being at the time no room for it in the curriculum."

45. The Hon'ble SAYYID RAZA ALI asked:—

"(a) Has the attention of Government been drawn to a note that appeared in the *Leader* of the 20th February, 1913 about Colonel Leshe?"

Cantonment Magistrate of Dehra and Landour

(b) Has Government received petitions from some peons of the Cantonment Magistrate of Dehra Dun and Landour; and, if so, has any reply been communicated to them?"

QUESTIONS AND ANSWERS

[Mr Burn, Raja Kushalpal Singh]

(c) How long has Colonel Leslie been in charge of the Cantonments of Dehra and Landour, and how many men serving under him have been dismissed, reduced, suspended or fined or have resigned during this period?

(d) Will Government be pleased to lay on the table a statement showing the total amounts realized from fines in the first half of 1913 and the same period of 1912 by the Dehra and Landour Cantonments respectively?

The Hon'ble MR BURN replied —

“(a) The answer is in the negative.

(b) In February, 1913, petitions were received from 3 peons serving under the Cantonment Magistrate, Dehra Dun, and were returned for submission through the District Magistrate

(c) Colonel Leslie has been Cantonment Magistrate of Dehra Dun and Landour since 9th October, 1912. During that period no one in the superior or menial establishment (excluding sweepers and temporary hands) was dismissed, reduced or suspended. Of the superior establishment 4 persons were fined, 6 resigned and the services of 1 were dispensed with. Of the menial establishment 6 persons resigned and 5 had their names struck off the rolls owing to absence from duty

(d) The total amounts of fines realised in Dehra during the first 6 months of 1912 and 1913 were Rs 72 and Rs 69 respectively. The corresponding figures for Landour were Rs. 103 and Rs. 38.”

46. The Hon'ble RAJA KUSHALPAL SINGH asked —

Tagavi in drought-stricken districts

“Will Government be pleased to lay on the table a statement showing the amount of tagavi distributed in each of the drought-stricken districts?”

The Hon'ble MR BURN replied —

“The statement asked for by the honourable member is laid on the table.”

(See Appendix VII.)

47. The Hon'ble RAJA KUSHALPAL SINGH asked —

Remission or suspension of revenue in drought-stricken districts.

“Will the Government be pleased to lay on the table a statement showing the amount of revenue which the Government proposes to remit or suspend in each of the drought-stricken districts?”

The Hon'ble MR BURN replied —

“The final proposals of district officers have not yet reached Government through the Board of Revenue. A statement is laid on the table showing the estimates placed by district officers in the Agia, Rohilkhand, Bundelkhand, Allahabad and Lucknow divisions before the Lieutenant-Governor at conferences on the situation. These estimates are necessarily rough, and in particular the distinction between suspensions and remissions is uncertain till prospects are clearer.”

(See Appendix VIII.)

48. The Hon'ble RAJA KUSHALPAL SINGH asked :—

Appointment of a Famine Commissioner.

“Will the Government be pleased to state whether it proposes to appoint a Famine Commissioner this year?”

The Hon'ble MR. BURN replied :—

“In view of the fact that the area affected is smaller than in 1907 and that it falls in several divisions the Lieutenant-Governor does not at present propose to appoint a Famine Commissioner.”

49. The Hon'ble RAJA KUSHALPAL SINGH asked :—

Storing hay as recommended by the Famine Commission of 1901.

“Has the attention of the Government been drawn to paragraph 219 of the report of the Famine Commission, 1901? Will the Government be pleased to consider the desirability of trying the experiment of storing hay on the lines suggested in the above paragraph?”

QUESTIONS AND ANSWERS.

[Khwaya Ghulam-us-Saqlain, Mr. Burn]

(b) District officers are framing proposals for suspension of revenue, which, in the province of Agra carry with them suspension of rents. In Oudh suspensions of rent cannot be directed under the law, but endeavours are made to persuade landholders to accept suspensions of revenue on condition that they pass on relief to their tenants.

(c) The honourable member is referred to the statement laid on the table in reply to question no 47. In Agra such remissions of revenue always involve corresponding remissions of rent. In Oudh remissions of revenue are only made on the understanding that the tenants shall receive corresponding relief."

(See Appendix X)

Cattle sacrifice by
Mohammedans.

53. The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"Has it been brought to the notice of the Government that some organs of Hindu opinion like the *Advocate*, Lucknow (9th November, 1913), have admitted that any forcible attempts to deprive the Mussalmans of their legal rights is improper and indefensible and that all that could be asked for was that sacrifice should not take place in a manner offensive to the Hindu sentiments?"

The Hon'ble MR BURN replied —

"The Lieutenant-Governor has been pleased to notice expressions of tolerance in regard to the question of sacrifice on the understanding that care was taken to prevent open offence."

Prohibition of cow-
sacrifice at Fyzabad.

54. The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"Is it a fact as reported by the *Mashriq* (Gorakhpur) of 11th November, 1913, that during the last Baqr-Id the District Magistrate of Fyzabad prohibited the cow-sacrifice (when mutual compromise was not arrived at) and some persons were arrested and from one bail to the extent of Rs. 5,000 has been demanded?"

The Hon'ble MR BURN replied —

"The Lieutenant-Governor has not seen the paper referred to. The facts regarding the issue of notice prohibiting sacrifice of cattle have been stated in my reply to question no. 35. One person is alleged to have sacrificed a cow and he and another person said to have been concerned were arrested and called on to show cause why they should not be prosecuted under section 138, Indian Penal Code. Cash security to the amount of Rs. 5,000 each was demanded."

Baqr-Id sacrifice at
Miranpur (Muzaffar-
nagar).

55. The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"Is it a fact that in the town of Miranpur, district Muzaffarnagar, the deputy magistrate in charge of the district sent a new probationary deputy magistrate who stopped the Baqr-Id sacrifice on the ground that it was a novelty there, and that the inhabitants sent wires to the Local Government and to His Excellency the Viceroy complaining against this interference?"

The Hon'ble MR BURN replied —

"At the time of the last Baqr-Id the staff of the Muzaffarnagar district was temporarily low, and disturbances were considered possible at more than one place. The District Magistrate sent a probationary deputy magistrate, who had been 1½ years in the district, to Miranpur. The probationary magistrate after due inquiry came to the conclusion that cows had not been sacrificed at Miranpur on previous occasions and that any innovation in this respect might result in a breach of the peace. He therefore prohibited the sacrifice of cows. Telegrams were then sent by the inhabitants of Miranpur to the Local Government and to His Excellency the Viceroy."

New policy as to Baqr-
Id sacrifices.

56. The Hon'ble KHAWAJA GHULAM-US-SAQLAIN asked —

"Would the Government be pleased to declare whether any new line of policy has been adopted, in regard to sacrifice at the Id."

QUESTIONS AND ANSWERS

[Mr. Burn, *Khwaja Ghulam us Saqlain*, His Honour the President, Dr Tej Bahadur Sapru, Mr Pim, *Munshi Mahadeo Prasad*, Mr Wood, Mr O'Donnell]

The Hon'ble MR BURN replied —

"The answer is in the negative. It is the settled policy of Government to preserve the rights and liberties of its subjects, and only to interfere with these under the provisions of the law when their exercise appears likely to cause a serious breach of the peace."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN said —

"May I ask a supplementary question to my last question no 56? Is the application of section 144, Criminal Procedure Code, confined to each sacrifice?"

Application of section 144, Criminal Procedure Code to sacrifices.

HIS HONOUR THE PRESIDENT said —

"This question will require notice."

57. The Hon'ble DR TEJ BAHADUR SAPRU asked —

"Will Government be pleased to state the total number of indentured labourers sent out to Natal and Transvaal from these provinces during the last ten years?"

Indentured labourers sent to Natal and Transvaal

The Hon'ble MR PIM replied —

"A statement giving the information required for the years 1902—1911 is laid on the table. Emigration to the colony of Natal was put an end to with effect from the 1st July 1911."

(See Appendix XI.)

58. The Hon'ble DR TEJ BAHADUR SAPRU asked —

"Will Government be pleased to state the number of South Africans employed in the public services of these provinces?"

South Africans employed in the public services in United Provinces

The Hon'ble MR BURN replied —

"There are two officers of the Indian Civil Service serving in this province whose parents were temporarily domiciled in South Africa. Details for other services are not available."

59. The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state when recruitment for indentured labour in South Africa commenced in these provinces and what is the total number of indentured, ex-indentured and non-indentured Indians belonging to these provinces that are at present in South Africa?"

Indentured, ex-indentured and non-indentured Indians in South Africa.

The Hon'ble MR PIM replied —

"Emigration to Natal was first brought under regulation by Act XXXIII of 1860. The report of the Protector of Indian Immigrants to Natal for the year 1912, gives the following approximate numbers.—

| | | |
|--------------------|-----|--------|
| Indentured .. | .. | 15,564 |
| Ex-indentured .. | .. | 28,020 |
| Non-indentured ... | ... | 70,687 |

60. The Hon'ble DR TEJ BAHADUR SAPRU asked —

"Will Government be pleased to state whether there are any railway administrations or companies which use South African coal?"

Railway companies using South African coal

The Hon'ble MR WOOD replied —

"The Lieutenant-Governor has no information on the subject."

61. The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Is the Government aware of the result of application for affiliation in biology up to the Intermediate standard by the Central Hindu College to the Allahabad University? If the said application has been refused, will the Government be pleased to state the standard required for opening and maintaining such a biology class?"

Affiliation of the Central Hindu College in biology

The Hon'ble MR O'DONNELL replied —

"The answer to the first part of the question is in the affirmative. Government does not prescribe the standards for affiliation to the Allahabad University. Application for information on such matters should be made to the University direct."

QUESTIONS AND ANSWERS

[*Munshi Mahadeo Prasad, Colonel Manifold, Mr de la Fosse, Dr Tej Bahadur Sapru, Mr O'Donnell, Mr Burn.*]

Visits to the Queen's College Boarding House, Benares by the Civil Surgeon.

62 The Hon'ble MUNSHI MAHADEO PRASAD asked —

"Will the Government be pleased to state how many visits to the Queen's College Boarding House, Benares, were paid by the Civil Surgeon during the last three years and how many boarders availed themselves of his medical help and also what monthly allowance is given to him for the said purpose?"

The Hon'ble COLONEL MANIFOLD replied —

"The Civil Surgeon receives an allowance of Rs 100 per mensem. No record has been kept of the number of visits paid by him to the boarding house, or of the number of boarders attended to by him during the last three years."

63. The Hon'ble MUNSHI MAHADEO PRASAD asked —

Students in the biology class of the Central Hindu College, Benares.

"Will the Government be pleased to state the number of students that joined the biology class opened by the Central Hindu College?"

The Hon'ble MR DE LA FOSSE replied —

"The Government is not in possession of the information asked for, which can doubtless be obtained from the College authorities."

64. The Hon'ble DR TEJ BAHADUR SAPRU asked. —

Plague at Banda.

"Has the attention of Government been drawn to the fact that a very large number of the inhabitants of Banda were asked recently to leave the town owing to plague? Will Government be pleased to state the actual number of plague cases that happened there before the people were asked to move out? Will Government be further pleased to state the nature of arrangements made there to cope with the outbreak of plague and also the nature of arrangements made for the accommodation of the population which left Banda?"

The Hon'ble MR O'DONNELL replied —

"The answer is in the affirmative. About 25 suspicious cases occurred; eight of these were undoubtedly cases of plague, the presence of which was actually diagnosed in two cases. In consequence of these cases evacuation was recommended to the population. Camps were organized for clerks in Government offices. Hutting was offered to poor inhabitants. Godowns and extra patrols and police were provided for the custody of property. Facilities for inoculation were offered at the hospital."

65. The Hon'ble DR TEJ BAHADUR SAPRU asked. —

Grievances of the Hindus of Najibabad as to the last Dasehra.

"Will Government be pleased to state if it has made any inquiry into the grievances of the Hindus of Najibabad on the occasion of the last Dasehra, and if so, will Government be pleased to state the result of that inquiry?"

The Hon'ble MR. BURN replied. —

"An inquiry has been made into the complaints of the Hindus of Najibabad regarding orders passed on the occasion of the last Dasehra festival. It is the custom on the last day of the Dasehra, which fell this year on October 9th, to take a procession carrying flags and bamboo structures, known as chakkars, through the town of Najibabad. The chakkars, which used in former years to pass easily through a gateway in the route of the procession, have been gradually increased in dimensions. Last year, in order to avoid the gateway, they were taken through the butchers' quarter without any previous intimation being given. This year the butchers protested against any repetition of what they alleged to be an innovation. The District Magistrate held an inquiry on the spot into the question and came to the conclusion that the Muhammadan version was correct. He therefore forbade the taking of the chakkars through the butchers' quarter, but offered either to pull down the top of the gateway in question in order to enable the chakkars to pass along the old route, or to arrange an alternative route. Neither of these suggestions

QUESTIONS AND ANSWERS

[*Sayyid Abdur Rauf*, Mr. Pim, *Munshi Mahadeo Prasad*, *Rai Gokul Prasad Bahadur*, Mr O'Donnell]

was accepted. The Hindus refused to take any part of the procession, which was a long one even without the four large chakkars, along the old established route, and closed their shops. On October, 14th a fresh petition was presented to the District Magistrate, who declined to allow any part of the procession to pass the butchers' shops. Eventually on October 15th the Hindus recovered themselves and the procession took place as usual."

66 The Hon'ble SAYYID ABDUR RAUF asked —

"Has the attention of the Government been drawn to the telegrams received by the Hon'ble Mr Gokhale and his message which appeared in the *Leader* of the 18th of November, 1913?"

Treatment of the Indians in South Africa

The Hon'ble MR. PIM replied —

"The answer is in the affirmative."

67. The Hon'ble MUNSHI MAHADEO PRASAD asked.—

"Is the Government aware that the Benares municipal board has got its own laboratory for the examination of food stuffs and water analysis? Will the Government be pleased to state if it is prepared to accord to the Benares municipality the option of analysing its water in its own laboratory instead of sending samples to Agra for analysis?"

Water analysis in the laboratory of the Benares municipality

The Hon'ble MR. PIM replied.—

"The Government will consider the proposal."

68 The Hon'ble RAI GOKUL PRASAD BAHADUR asked.—

"Will the Government be pleased to state if its attention has been drawn to the telegrams that have appeared in the *Leader* of the 18th of November about the treatment of Indians—a good many of whom are from the United Provinces—in South Africa?"

Treatment of the Indians in South Africa

The Hon'ble MR. PIM replied:—

"The answer is in the affirmative."

69. The Hon ble MUNSHI MAHADEO PRASAD asked.—

"Will the Government be pleased to state the respective pay of demonstrators in physics and chemistry in the Queen's College, Benares, and the Muir Central College, Allahabad, also if any scheme for graduated pay for such demonstrators is in contemplation?"

Pay of demonstrators in physics and chemistry in the Muir Central College, Allahabad, and Queen's College, Benares

The Hon'ble MR. O'DONNELL replied.—

"The pay of the demonstrators in physics and chemistry in the Muir Central College, Allahabad, and the Queen's College, Benares, is as follows —

Muir Central College, Allahabad.

2 demonstrators in physics on Rs 100-5-150 each.

2 ditto chemistry on Rs. 100-5-150 each.

1 Assistant demonstrator in chemistry on Rs. 40-2-50.

Queen's College, Benares.

1 demonstrator in physics on Rs 75-5-100.

1 ditto chemistry on Rs 75-5-100.

The reply to the second part of the question is in the negative: the pay is already graduated."

70 The Hon'ble MUNSHI MAHADEO PRASAD asked:—

"Will the Government be pleased to state the length in miles of pipe line extension, number of house connections and number of standposts in first class municipalities having water works, and also the quantity of water used for flushing purposes by them?"

Pipe line extension, house connections and standposts in first class municipalities

The Hon'ble MR. PIM replied:—

"The honourable member will find all the information available on these subjects in Appendices I and V of the annual report of the Sanitary Engineer."

QUESTIONS AND ANSWERS

[*Munshi Mahadeo Prasad, Mr Burn, Sayyid Abdur Rauf, Mr O'Donnell, Rai Ganga Prasad Varma Bahadur*]

71. The Hon'ble MUNSHI MAHADEO PRASAD asked —

Deputy Collectors as
head assistants to Com-
missioners of divisions.

"Will the Government be pleased to state how many deputy collectors have been posted as head assistants to the Commissioners of divisions as recommended by the "Pike" Scheme? How many head assistants to the Commissioners of divisions are at present Indians?"

The Hon'ble MR BURN replied —

"No effect has been given to the suggestion made by Mr Pike's Committee that deputy collectors should be appointed to the posts of head assistants in the offices of Commissioners of divisions. At present one Indian is officiating as head assistant in a sub pro tem vacancy."

72. The Hon'ble SAIYID ABDUR RAUF asked —

Disposal of criminal
cases.

"(a) Is the Government aware that notwithstanding that under the High Court's circular six weeks are allowed for the disposal of criminal cases the District Magistrate of Bijnor has passed an order that all criminal cases should be decided within three weeks from date of challan and complaint?"

(b) If so, will the Government be pleased to take steps to have this order of the District Magistrate rescinded?"

The Hon'ble MR O'DONNELL replied.—

"(a) The Government has consulted the High Court, and is informed that no circular has been issued by that Court allowing six weeks for the disposal of criminal cases

(b) The Government is farther informed that the District Magistrate of Bijnor has passed no order in any way resembling that alluded to by the honourable member "

73 The Hon'ble RAI GANGA PRASAD VARMA BAHADUR asked —

Famine in certain-dis-
trict

"Will the Government be pleased to make a statement as to the steps taken by it to mitigate sufferings due to scarcity and famine in certain parts of the United Provinces, giving names of the districts in which famine has been declared?"

The Hon'ble MR BURN replied —

"As soon as the failure of the rains made it appear that the *khariif* crops would be seriously damaged, and that there would be difficulty in preparing the land for the *rabi*, application was made to the Government of India for a special grant of taqavi to supplement the normal allotment. In all 80 lakhs was received and allotted to districts. A further sum of 10 lakhs has since been obtained from the Government of India and is held in reserve. In accordance with standing orders District Officers proceeded to ascertain the damage done in all parts of their districts, and to frame proposals for the suspension and remission of land revenue. Towards the end of October the Lieutenant-Governor visited the Rohilkhand, Agra, Bundelkhand, Allahabad, and Lucknow divisions and conferred with the Commissioners and District Officers regarding the state of their districts and measures which would probably be necessary. Details of the estimates of relief likely to be required in land revenue, of the outturn of the *khariif*, and of the proportion of normal *rabi* area expected to be sown, as placed before the Lieutenant-Governor at these conferences, are shown in the statements placed on the table in reply to other questions. Inquiries were also made as to the sufficiency and suitability of the famine programmes which have been carefully revised and added to since the last period of distress in 1907-08. It is anticipated that with favourable winter rains the necessity for large famine works will arise only in the four Rohilkhand districts, in Muttra, Agra, Budaun, and South Allahabad.

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[Mr Burn, Mr O'Donnell, Mr de la Fosse, His Honour the President, Saiyid Raza Ali]

Arrangements are being made to open test works within the next fortnight in several of the districts. Lists are being prepared of persons likely to require gratuitous relief.

2. One of the most serious features in the present year is the shortage of fodder. The Government of India have notified a large number of railway stations in the affected districts to which fodder may be consigned by private persons at special reduced rates, the difference between these rates and the ordinary rates payable being met by this Government. It is reported that this measure has stimulated the movement of fodder. In addition to this the whole of the grass available in Government forests in Bundelkhand, Pilibhit, and Kheri, the forest divisions most conveniently situated for the supply of the affected tracts, is being out. As the demand seems likely to exceed the supply, however, arrangements are being made to supplement it by cutting grass in other forest divisions and some grass is being obtained from the Central Provinces. This fodder will be placed on sale at railway stations at a uniform rate of six annas per maund which represents roughly about half the cost of cutting and carrying.

"Copies of a letter addressed to the Government of India on the situation are laid on the table."

(See Appendix XII.)

The Hon'ble MR BURN, the Hon'ble MR. O'DONNELL, and the Hon'ble MR. DE LA FOSSE laid on the table certain information in connection with questions 96, 13, 118 and 126, 124, and 188 respectively, asked at the council meeting of the 15th September, 1913.

(See Appendix XIII.)

THE UNITED PROVINCES TOWN AREAS BILL, 1913.

HIS HONOUR THE PRESIDENT said — "The Bill to make better provision for the sanitation, lighting, and improvement of town areas in the United Provinces of Agra and Oudh will now be taken into consideration. In calling upon honourable members who have given notice of amendments I propose to depart somewhat from the purely serial number of the clauses in the Bill. There are certain of these amendments which affect one of the most important principles in the Bill, and I think it will clear the position if we get them out of the way before we attempt to deal with the less important or purely verbal amendments. I would therefore ask the Council to deal with the amendments having reference to sections 23, 8, and 38. After we have got rid of that group we shall then proceed to take them in the order of the clauses."

The Hon'ble SAIYID RAZA ALI moved that in clause 23 of the Bill the word "panchayat" be substituted for the words "town magistrate." He said —

"I believe the section that Your Honour wishes to be taken up first is section 23? Now that section, as the Council knows, (I believe all the honourable members have a copy of the amended Bill which was published after the report of the Select Committee was made. It was republished in the Gazette) reads as follows — 'Subject to any rules framed in this behalf by the Local Government, the town fund shall be under the control of the town magistrate and shall be applied to,—and then follow the purposes of its application. My amendment, Your Honour, is that if it is desired that members of the panchayat should take any genuine and real interest in the work of the panchayat, then it is very necessary that they should be given some powers. They should exercise more control over the affairs of the panchayat. This was the case under the old Act, namely, Act XX of 1856. No doubt, as I have pointed out in the minute that I have recorded, considerable improvements have been made in the Bill, which are due to the honourable member in charge of the Bill. We are very thankful to him

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[Saryid Abdur Rauf, Dr. Tej Bahadur Sapru]

for that. But it seems to me, that unless more effective control is given to the panchayat, people will not take any real interest, and as a matter of fact the second objection is that in that case proper persons will not be forthcoming to stand for the membership of the panchayat. As has been pointed out very many times, it is in the working of institutions like the district board and municipal board, and much more so is it the case with the town areas panchayats, that the principle of self-government is brought home to the intelligence of the people, and I believe that with proper safeguards more power should be entrusted to the panchayat. Now, in this Act as it stands we find that very little power indeed has been given to the panchayat. We are very thankful for all we have got, no doubt, but all the same, I think it is my duty to point out that the panchayat has got very little power. Even in the case of suspensions and trivial fines no action of the panchayat is to be valid unless it has been confirmed by the town magistrate. Now, my submission is that in the note of dissent that I have recorded I have given references to the sections by perusal of which it appears that in all important matters powers have been taken away from the panchayat and they have been conferred either on the district magistrate or on the town magistrate. For example, I have referred to a number of sections, e.g., sections 9, sub-section 3; section 10, sub-section 2, section 11, section 15, sub-section 3, and the proviso to section 33. All these more or less tend to take away powers from the panchayat and have given those powers over to the district magistrate or the town magistrate. Your Honour, I fully realize that the experiment that is going to be made is a novel one. No doubt the panchayat had practically no powers under the old Act. This being an experiment, we should proceed with proper care and caution; but my submission is that, taking into consideration the powers that the Bill has given to the district magistrate, I believe it is thoroughly safe, and I submit that it is very necessary, that most of the powers that this Bill seeks to confer on the town magistrate should be given to the panchayat. After all, the Act, as I have pointed out, confers very extensive and vast powers on the district magistrate, and my submission is that in order to associate the people more closely with the management of their own affairs, it is very important and necessary that some powers at least should be given to the panchayat, and with a view to that I have moved that the words "town magistrate" should be substituted by the word "panchayat" in section 23.

The Hon'ble SAIYID ABDUR RAUF said :—

"I have also given notice of this amendment, that is to say, that the control over the funds should be given to the panchayat. The supervision may be under the district magistrate, but the control should be given to the panchayat."

The Hon'ble DR. TEJ BAHADUR SAPRU said :—

"I regret I cannot agree with my friend the Hon'ble Saryid Raza Ali. I find that the provisions of section 23 seem to have been framed so as to be in accordance with the leading provisions of the Bill as contained in sections 8 and 26. On referring to section 8 of this Bill I find that the duties of the panchayat are defined there, and those duties are that they shall perform any duty specifically assigned to them by the Act, or by any rule or order made under this Act, to advise the district magistrate or the town magistrate in respect of matters prescribed in section 26, and generally to render such assistance to the district magistrate or the town magistrate in the discharge of their functions under this Act as may reasonably be required of them in this behalf. I think that on reading this section it is quite clear that the whole character of this panchayat shall be that of an advisory committee, which will advise the district magistrate and render such assistance as it may be called upon to do. Similarly, in section 26 we find it stated that the district magistrate, after taking into

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[*Rai Gokul Prasad Bahadur, Mr Tweedy*]

consideration any representation made in that behalf by the panchayat, may, by general or special order in writing, provide for those matters within the town area. So that it seems if the object of these panchayats is that they shall be advisory committees Section 23 as framed has been properly framed. It has been pointed out by the Hon'ble Saiyid Abdur Rauf that the town fund should be under the supervision of the district magistrate. I do not think that the control has been in any other hands, because when I compare the language of this section with the language of section 21 I find the distinction brought out clearly. Section 24 says that subject to any rules made in this behalf by the Local Government, the town magistrate shall make arrangements for the proper custody of the town fund and for the remittance to such custody of all sums collected on behalf of or received to the credit of the town fund. Therefore I think that the control should be taken to mean supervision. That section lays down that the town magistrate shall supervise the use and application of the town fund, and that being so I cannot support the amendment of the Hon'ble Saiyid Raza Ali. I oppose it."

The Hon'ble RAI GOKUL PRASAD BAHADUR said —

"In order to explain the position taken by my honourable friend the mover of the amendment, I wish to bring to the notice of the Council the fact that the Hon'ble Saiyid Raza Ali also gave notice of an amendment to clause 8, and if the amendment is taken along with section 23 the argument falls to the ground. If Your Honour will look to the third amendment by the Hon'ble Saiyid Raza Ali, it will be seen that he wishes to delete clause (b), which reads 'to advise the district magistrate or the town magistrate in respect of the matters prescribed in section 26' and to renumber clause (c) as clause (b), and so far as clause (c) is concerned, instead of the words as they stand to substitute the words 'to carry out the purposes of this Act,' and therefore in order to realize the effect of the amendment to section 23 as proposed, it would be necessary to consider the amendment he proposes to section 8, so that the different provisions of the Bill might not conflict with each other."

The Hon'ble MR. TWEEDY said —

"I do not think that a conflict exists between section 8 and section 23. I understand the Hon'ble Saiyid Raza Ali's amendment to be that he wants the panchayat to be turned into a corporate body in which the funds of the towns are to be invested, and that as the Bill stands, the spending power is to be entirely in the hands of the town magistrate, and taking that to be his view, I, as chairman of the select committee, think it my duty to oppose the amendment, which would, as I see it, place the control of the funds entirely in the hands of the panchayat. Under the existing law, as everyone knows who has any practical experience of the working of Act XX of 1856, the panchayats exist only in name, the real work being done by officials. I am in entire sympathy with the honourable members who wishes to make the administration of the panchayat a real one, but I think they are going a great deal too fast. They want to transform the nominal body which has nominal powers, as it were by a touch of the magician's wand, into a corporate body in which the control of town funds shall be vested. The amendment has, no doubt, the support of some weighty members, among those being the Hon'ble Rai Ganga Prasad Varma Bahadur. There is no Indian gentleman in the United Provinces who knows more about municipal work than he, and I suppose that what he does not know about municipalities is not worth knowing. But I venture to question his knowledge of the conditions that prevail in the Act XX towns. There seem to be only two ways of becoming familiar with them, either by being connected with the administration as an official or by living in the town

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[*Lala Sukhbir Singh, Khwaja Ghulam-us-Saqlain*]

I do not think that either of these conditions was fulfilled in the case of the gentleman who supported the amendment. I think those who are connected officially with panchayats will have no hesitation in voting against this proposal. For thirty years as Joint Magistrate, Collector, and Commissioner I have been closely in touch with these institutions, and I have no hesitation in saying that they are entirely unfit for any such responsibilities. The views of several officials and non-officials, both Europeans and Indians, will be found in the printed papers laid on the table to-day. I should like in particular to call your attention to the views of Mr Ratan Chand. The honourable member who represents the Meerut division will be knowing him. He is an exceptionally capable and experienced Deputy Collector, and what he says is this 'we have done our best to find the best men for the panchayats, but suitable material is not available'. It is quite true that the more power you give to panchayats the more attraction they offer to capable men to work on them, and under the new Act we might expect to find a better class of men taking office. This is true, with one very important limitation: you may have opportunities, but you cannot get the men taking advantage of them. Another point is that I am not at all sure that the members of the panchayats will thank the honourable member for putting this amendment. I do not think they will be at all grateful for having thrust upon them this serious financial responsibility. The panchayat under this new Act, is a promising infant and will, I believe, thrive, but do not let us be foolish parents and cripple it for life by trying to make it run before it can walk."

The Hon'ble LALA SUKHBIR SINGH said —

"I support the amendment which has been so ably put forward by the Hon'ble Said Raza Ali. There is no doubt that in the whole of the Bill very few powers have been given to the panchayat. The real object of these panchayats should be, so far as I understand, that good men may come forward and may work. When no powers are given to them, I do not suppose that any good men will come forward and will do anything for the panchayat. There is no doubt that if this section 23 is amended other sections will have to be amended. As the Hon'ble Dr Tej Bahadur Sapru has pointed out, these go with sections 8 and 26. The Hon'ble Mr Tweedy has pointed out that up to this time experience has shown that very few people have come forward in the panchayat, but I beg to submit that there are few panchayats up to this time and therefore no experienced men care to come forward and help, because they know that they have no powers and have no voice in the matter. Therefore if the object of the Government is to attract men of experience they must give them some powers, otherwise I submit that this Bill as framed at present will not bring good men to work on the panchayat. I beg to submit that this amendment should be accepted along with amendments to sections 8 and 26."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN said —

"Naturally I have great sympathy with the amendment moved by my friend the Hon'ble Sayid Raza Ali. I think it goes to the root of the thing, and if it passes it will change the nature of this Bill. There is much force in the argument that has been put forward that unless you teach a child to walk it cannot be expected to learn to run. This Bill is intended to teach the rudiments of self-government to the panches or to the members of the panchayats, and their powers might have been extended. Here I am not speaking as if I was speaking in a congress or a conference, I am speaking with the responsibility (though in a humble capacity) of the legislator and in view of that responsibility I think that it will be too much to expect the present panchayats to perform the duties which might be imposed upon them by the amendment, and that it will require experiment or training of at least ten years before they can be given the power. And I hope that after ten years

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[Mr Holms, Rai Ganga Prasad Varma Bahadur]

the mover will be able, if he is member of this Legislative Council, or if he is in the Imperial Council, to influence the legislators. But at any rate I very much hesitate to support this amendment of my friend, though I should have the greatest pleasure in doing so if I thought it could work successfully."

The Hon'ble MR HOLMS said —

"There are only three matters that I wish to say a few words about. One is about the actual conditions obtaining in the Act XX towns of the province which will be the town areas of the future. My experience is very much the same as Mr Tweedy's. I think it is the experience of all of us who have lived in the villages or have had practical experience of the districts. Act XX towns vary very much in character. Some of them, no doubt, are towns of considerable importance and considerable trade. The others are mere villages with small bazars, in which the more important inhabitants are petty shop-keepers and the like. I will take the figures of the Fyzabad division. In it there are 20 such towns. Of these 14 have populations of under 5,000, and in two of these the population is under 1,000. In 16 out of 20 the income does not exceed Rs 2,000 a year and in 10 of them it does not reach Rs 1,000 a year. These figures are small—very small. I have not the figures for other districts, but in one district there are two towns in which the people who pay a tax of 8 annas are only 25 and 41 respectively. Now, in these small villages one is not likely to get good and experienced men who, my friend the Hon'ble Lala Sukhbir Singh mentions, are likely to come forward as members of the panchayat were responsibility increased.

"The other point which I have noticed is this—that if the amendment becomes law—the towns fund will not be under the control of the panchayat as a whole but under the control of the bare majority of the panchayat, for clause 2 (1) of the present Bill as revised says that 'an act shall be deemed to be the act of a panchayat when it is done with the previous consent of, or of a majority of, all such members.'

"So the majority will have the control of the town fund. I do not think this is increasing the responsibility of the panchayat to the extent to which the honourable member who moved the amendment contemplates.

"The third point I may mention is that, as I have said, there are a number of Act XX towns which are places of some importance and considerable trade, and in these places where gentlemen of position are willing to come forward and take up work as members of panchayats, the Local Government will have power under clause 37 to confer on the panchayats on those towns the powers of control of the town fund which is given to the town magistrate under clause 23. The judicious application of that section will probably have all the results which the honourable member desires to obtain by moving his amendment."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said —

"I support the amendment moved by my friend the Hon'ble Saiyid Raza Ali. The only apprehension pointed out by the Hon'ble Mr. Tweedy is that men might not be found willing to work, or that, if found, they might prove themselves unfit to carry on the administration. I think there is a provision under section 37 by which the Local Government is empowered, if the panchayat is inefficient or incapable, to take away the power entrusted to them. The section reads — 'The Local Government may, by notification in the Gazette, confer or impose on any panchayat established under this Act, all or any of the powers conferred or duties imposed by the Act or by rules made thereunder on the town magistrate, and in like manner may divest any panchayat of any power conferred or duty imposed under this section.' My submission is that unless the panchayats are made really living bodies it will not be possible to make them really effective bodies. The panchayats which

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have only to do the duty of mere advisory committees will be regarded by the people as having no authority, which cannot help them in any way or can be of little help in the administration of the town. I have seen municipalities constituted on the basis of nomination and also those constituted on an elective basis. The former did not show much public spirit, but now when elected members have full control of the funds, realized from towns, they evince real interest. It is quite true that there are towns which have an income of only Rs 500 or Rs 600, but even in the administration of these funds, if three respectable people are associated, they will, I think, spend the money better and it is to them that the people will look for better administration."

The Hon'ble MR PYM said —

"If honourable members are interested in the growth of an idea, they will find a very interesting example in the comparison of the two amendments to this section proposed by the Hon'ble S Raza Ali. Soon after this bill was introduced in this Council in January last, the honourable member sent in an amendment to the effect that the present section should be numbered as section 23, clause (1), and the following should be added as clause 2 — 'The Local Government may by notification in the gazette confer all or any of the powers mentioned in clause (1) on the panchayat in any town area that may appear to Government proper.' The principle involved in that amendment has been accepted in the fullest degree in the transformed Bill with which we are now dealing today. Then the honourable member has very lately sent in a further amendment proposing that in line 3 of the section, after the words 'control of,' substitute the words 'the panchayat' and omit the words 'the town magistrate.' It had apparently escaped his notice that these two amendments are mutually destructive, and he has now therefore wisely withdrawn the former. But it is clear that the growth of the conception which he has embodied in his later amendment is of a very recent date. As has been acknowledged by several members, the amendment which is now under consideration giving the panchayat the control of the funds goes to the very root of the bill, as it certainly involves making them into corporate bodies with all the legal and financial responsibilities involved in this change. The Hon'ble Mr Tweedy and the Hon'ble Mr Holms have given the results of their great experience of these towns, and that their experience should be of this nature can only be expected from the character of the towns. I have here a list of them. They are 257 in number, and the list is chiefly remarkable for the towns which are excluded. It excludes all the 81 towns which are centres of trade and commerce or of intellectual life, as these have all been turned into municipalities. It excludes also the 46 towns which are minor centres of trade and industry, and in which it could be hoped that competent representatives would be forthcoming, because it has been the deliberate policy of the Government for a good many years to raise such towns to the status of notified areas. There remains then a miscellaneous collection of towns with a population of from 1,000 to 8,000 or 10,000. They have practically only this point in common, that they are of a low grade as regards intellectual or commercial life, and that they have not been found to contain any large number of men who would be competent to exercise the responsibilities of a committee of a notified area. It is all these towns which at one fell swoop the honourable member proposes to transform practically into petty municipalities with powers and responsibilities very much in excess of those which are now exercised by the committees of notified areas. The degree of trust which the Hon'ble Sayid Abdur Rauf attaches to these panchayats may be gathered from his proposal that the limits of taxation should not be raised above Rs 5 per mensem. The real meaning of that proposal appears to be that he cannot trust them to the extent of Rs. 7-8 a month, and nevertheless he proposes to impose upon them the full responsibilities involved in the general control of the town funds. I

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hardly think that is a very logical way of dealing with the subject. The Local Government is just as anxious as the honourable member to bring about the formation of a healthy public opinion in these small towns and their ultimate control by members of reasonable competence and sense of responsibility. But they see very clearly that this can only be brought about by gradual steps, and that too hurried an acceptance of the full principle of municipal self-government would only result in numerous failures, general disappointment and a setback to the cause which the honourable members have at heart. A comparison of this bill with the present Act XX of 1856 shows how very great are the advances made. The bill secures full consultation of the panchayat with reference to the methods of taxation, to the framing of its budgets and of the rules of its administration. It secures full control over the subordinate staff, and the rules with regard to the execution of works which will be made under it will be directed to secure the co-operation of the panchayat in the spending of its money so far as that is reasonably possible. Further than this it is clearly unsafe to go under present conditions, and the Act makes ample provision for increasing the powers and responsibilities of the panchayats as they may become fitted for them. The Local Government is convinced that this is the only way in which really stable progress can be hoped for, and I must oppose the amendment in the most unqualified way."

The Hon'ble SARİYD RAZA ALI said —

"I am not at all slow to appreciate the difficulties that have been pointed out by the Hon'ble Mr Tweedy in the working of the Act if this amendment were to be accepted. No doubt, as the Hon'ble Mr Pim has explained, a very large majority of the panchayats at present are not prepared to discharge the duties that the amended section 23 seeks to confer on them, but at the same time I am not at all prepared to agree with my honourable friend Dr Sapru that these panchayats should be nothing but mere advisory bodies. The chief reason that led me to move the amendment was that the status of the panchayat as constituted under this bill was very low, and my idea in seeking to give some sort of power to the panchayat was that it should not remain a purely advisory body. We all know what an advisory body means. We also know that when people are requested to give advice with the consciousness that no weight whatsoever is to attach to that advice, the right stamp of people is not forthcoming to discharge those duties. This case I can illustrate by referring honourable members to the system that is in vogue in our provinces and most other provinces in India—I mean a system under which, as laid down in the Criminal Procedure Code, assessors are called upon to give advice to the sessions judge who is holding a sessions trial. We all know that most of the assessors, as a matter of fact a very large number of them, are doing while, perhaps, an approver or an eye-witness is giving his evidence in the witness box. Therefore, unless some attempt is made to associate the people more closely with the real working and management of the town fund, I believe it will always remain in the shape in which the Hon'ble Mr Tweedy has put it, namely that the right sort of persons are not forthcoming to undertake the responsibilities under this Act. I simply put it as a suggestion, but having due regard to the observations made by the Hon'ble Mr Pim and the Hon'ble Mr. Tweedy I am quite prepared to withdraw this amendment, if the honourable official member found his way to insert the words 'wherever practicable' between the words 'shall be' and the word 'under'. I think it is a very reasonable suggestion, and it cannot be said that I tried to go too far or too fast. If this amendment is accepted, the idea which this section connotes will remain there and then I am quite prepared to withdraw my amendment."

The original amendment was put to the vote and rejected.

The Hon'ble SARİYD ABDUR RAUF withdrew the amendment *in parv materia* with this which stood in his name

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The Hon'ble SA'YID RAZA ALI moved that sub-clause (b) of clause 8 be omitted and for sub-clause (c) be substituted the words 'generally to carry out the purposes of this Act' He said —

"It may be supposed at first sight that the proposed amendment of the section, namely, section 8, was part of a proposal of the same scheme under which a certain amendment was moved to section 23. But as a matter of fact the two amendments are perfectly separate and distinct, and one has nothing to do with the other. No doubt I am entitled to complain of my friend the Hon'ble Dr. Tej Bahadur Sapru who has in a certain manner prejudiced my case by observing that the proper functions of a panchayat are those of an advisory character. But all the same I submit that this section if carried in the form in which it stands in the Bill will reduce the panchayat to a most insignificant position, and I believe then the remarks that were made by the Hon'ble Mr. Tweedy would be applied to the panchayats that would be constituted later on with greater force than is the case at present. We know that whenever there is a question of public money and accounts one should always be very careful, and in that light, if the control over the funds has been vested in the district magistrate, I do not think that most of us can complain. But section 8 as a matter of fact seeks to deal a death-blow to the panchayat as most of us would wish to see it in working order. The honourable members have got the section before them, and some of the words are very significant indeed, and I believe they clearly mean at first sight that as a matter of fact the real control is to remain in the chairman who may be a tahsildar or sub-divisional officer. He will decide every question. His word will be final, and as a matter of fact the whole panchayat will be at his mercy, and it will be for him to consult the panchayat or not. There is already provision for having the work done by a majority and it is unnecessary that a meeting should be convened in that light. I submit to the Council that as a matter of fact it would be the chairman, the official chairman. So far as I can see there is no provision for a non-official chairman, but no doubt the question will be dealt with in the rules that are to be framed by the Local Government, but, taking the bill as it is, I submit that the chairman, who in all probability will be an official, will be all in all, and the whole thing will lie at his own sweet pleasure, and he will not be bound in any way by the advice tendered by the panchayat or by any members of the panchayat. I think it my duty to point out that as a matter of fact I do not want the district magistrate to be wholly dissociated from the management of the panchayat, but what most of us do want is that some sort of control be given to the panchayat. Let it be under the control and guidance in certain vital matters of the district magistrate. My further complaint is that in other matters, for example, the position is dealt with under section 23. Power has been taken by Government to make rules under section 23, which means that if there is any competent panchayat then the Government instead of giving the control over the town fund to the town magistrate will, I believe, in these cases be pleased to give these powers to the panchayat, because the section itself clearly contemplates that

"But the real difficulty about section 8 is that no power has been reserved over to the Local Government, and, until this section is amended, for a number of years to come, and at all events for a generation, this Act will remain in force as it is, for it is not very often that the legislative machinery of Government moves. It moves rather slowly. So in that view my submission is that some real power should be given to the panchayat. I propose that clause (a) section 8, might be left intact but clause (b), which reads 'to advise the district magistrate, or the town magistrate, in respect of the matters prescribed in section 26' should be deleted. We all know that the district magistrate is an overworked officer. He has not much time to give to the affairs of the panchayat. The Hon'ble Mr. Tweedy will bear me out in this statement. It is the town magistrate who really has the whole control. Well, I might be permitted to point

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out that I belong to a town which is subject to Act XX of 1856. There is a panchayat there, and, though I have not worked on that panchayat, I know something about it. The whole thing will be in the hands of the town magistrate and therefore my submission is that this clause (b) be deleted. Now clause (c) reads 'generally to render such assistance to the district magistrate or the town magistrate in the discharge of their functions under this Act as may reasonably be required of it by these officers'. That very clearly means that if these officers call on the panchayat to advise them, the panchayat will do it. If they do not, the panchayat have no right to offer any advice. My submission is, Your Honour, that that provision is not very fair, and I am almost sure that if this section passes into law as it is, no competent or educated man will care to act on any panchayat, knowing full well that the panchayat has no real power and that everything depends on the chairman or on the town magistrate. Most of the educated men will feel themselves justified in refusing to act on the panchayat. So my submission is that clause (b) be deleted, clause (c) should be made clause (b) and the words 'render such assistance to the district magistrate or the town magistrate in the discharge of their functions under this Act as may reasonably be required of it by these officers' should be omitted, and instead of that the clause should read 'generally to carry out the purposes of this Act'. Even then I believe considerable powers will be left to the district magistrate and he will be in a position to exercise an effective control over the doings and workings of the panchayat. I think this a very vital section and that this is a clause which has most far-reaching consequences and the amendment that I have proposed I do not think can be said to go too far. I hope the honourable members will be pleased to accept it."

The Hon'ble LALA SUKHBIR SINGH said.—

"I support the amendment to section 8 with the object that the panchayat should be given some real power. If they have no real power, no man of experience will come forward and do the work. Therefore I support the amendment for the consideration of the Council."

The Hon'ble DR TEJ BAHADUR SAPRU said.—

"I regret I cannot agree with my honourable friend Sayyid Raza Ali. There is one personal explanation which I desire to make and that is because of certain matters which fell from the lips of the honourable Sayyid Raza Ali. I can assure my honourable friend and also the non-official members generally that there is nobody here more anxious than myself for the development of self-government in the villages and towns, but I am also anxious that they should not be overburdened with duties which they may be incapable of performing. There is no surer way of bringing this about than by entrusting them with duties, if for some years they will not be able to discharge those duties properly. I do not wish self-government in India to progress by entrusting too many powers to these bodies, and with that personal explanation I shall now proceed to dispose of the amendment of my honourable colleague."

"I really fail to see what his grievance is. Let us take the section. It says 'The duties of the panchayat shall be to perform any duty specifically assigned to it by this Act'. That clause is absolutely necessary, because if you read the various provisions of this Bill you will find that there are certain duties specifically assigned to the panchayat by this Act, and it is necessary that there should be a clause to that effect so as to make it compulsory to discharge the duties which are imposed upon them. Then comes clause (b). It says 'to advise the district magistrate or the town magistrate in respect of the matters prescribed in section 26'. Now, my honourable colleague wishes this clause to be deleted. I am entitled to ask whether he intends that these panchayats should not be in a position legally to advise the district magistrate. I think on a careful consideration he will find that it must be very far from his idea. Now, the first clause, as I pointed out, relates to the

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executive functions of the panchayat. The second clause relates to their advisory character, namely that they shall advise the district magistrate in respect of matters prescribed in section 26 and the last clause says 'that the duties of the panchayat shall be generally to render such assistance to the district magistrate or the town magistrate in the discharge of their functions under this Act as may reasonably be required of it by these officers.' Well, that is in the nature of an omnibus clause giving the extra power to call upon the panchayat to render such assistance as he may consider necessary for the panchayats to give consistently with the provisions of this Act. Now, I will invite your attention to certain other provisions of the Bill to show that I was quite right in saying that the main feature of this Bill is that these panchayats shall be more of an advisory than of an executive character. On looking to section 9 I find that the panchayats have got to prepare an establishment list of the permanent staff, but the list which shall be prepared by the panchayat shall be subject to confirmation of the district magistrate. Clause 3 says:—'Every establishment list prepared under sub-section (1) or revised under sub-section (2) shall be subject to confirmation by the town magistrate, and in the event of that officer refusing to confirm any establishment list, it shall be altered by the panchayat under his direction.' Again, if you will be pleased to turn to section 14, which I consider to be a very important section, you will find that there the power of taxation is not given to the panchayat, but to the town magistrate, and all that the panchayat is given is the right of advising the district magistrate. Section 14 says:—'The district magistrate shall, after ascertaining the opinion thereon of the panchayat, annually determine the amount required to be raised in any town area for the purposes of this Act.' There are other sections to which I might invite his attention, but I refrain from doing so. So that I submit that, having regard to the provisions of section 8 of this Bill, and having regard also to the underlying idea of this Bill and in the interests of the panchayats themselves, I do not think it will be wise to accept this amendment. Undoubtedly the amendment is very catching on the face of it, but if it is accepted it will defeat the object of this Bill by entrusting too much power to the panchayats. There is one thing more and that is the vagueness of the amendment which is suggested here. The amendment of my friend is that in place of the words 'to render such assistance to the district magistrate or the town magistrate in the discharge of their functions under this Act as may reasonably be required of it by these officers' should be substituted the words 'to carry out the purposes of this Act.' Now, the purposes of this Act are of different characters and I hardly think that the words 'purposes of this Act' is a legal expression, because you will find that, among other duties, that this Bill lays down are certain duties of a punitive character. For instance a breach of the provisions of this Bill will result in punishment. The contention of my honourable friend is that the panchayats should be able to exercise those punitive duties, so that from a lawyer's point of view I cannot support the amendment, more particularly because it is embodied in such a vague language. With these observations I beg to oppose this motion."

The Hon'ble MR. ASHWORTH said.—

"Into the merits of the proposal to give the panchayat larger powers than they are given by section 8 I do not propose to enter. This question has already been dealt with by the two members who have just spoken. The question which I propose to deal with is the adequacy of the language of the proposed amendment, namely, the omission of clause (b) and substitution for clause (c) of the words 'generally to carry out the purposes of this Act.' It has been suggested by one member who has spoken that the only objection to the use of these words to express the intention of the honourable mover of the amendment is that they are somewhat vague.

"In my opinion, so far from being vague, a definite legal meaning must be attached to them, a meaning which I think the honourable mover was himself very

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far from wishing to be attached to them. The words 'carry out the purposes of this Act' occur in section 39(1) of the Act. They are the words which are generally used in Acts to denote the very wide ground which may be covered by rules made by Government. You will see from section 39(2) that there are a large number of particular methods of carrying out the purposes of the Act, which still do not exhaust the content of the expression 'the purposes of this Act.' If the amendment in its present form was carried, the Bill would give to the panchayat in the executive department as wide power as it gives to Government in the legislative department. This could never have been intended. Whether the suggestion that the powers of the panchayat should be increased beyond that of mere advice and assistance is acceptable, or not, I submit that this suggestion cannot be carried into effect by adoption of the amendment in its present form."

The Hon'ble Mr PIM said —

"I think that the Hon'ble Dr Tej Bahadur Sapru and the Hon'ble Mr Ashworth have, as they promised to do, disposed of this amendment. There is very little for me to add to what they have said. The Hon'ble Sayyid Raza Ali says that the new enactment, worded as it is, will deal a death blow to the panchayats. The new Act is intended to be a death blow to panchayats under Act XX, and we all hope that panchayats under the new Act will be decidedly of a higher type. It may be perhaps that the honourable member will become a member of the panchayat of the town to which he belongs. He has compared the position of the panchayats to that of assessors in sessions cases. Well, the assessors are not in the least concerned with the results of their deliberations. They do not affect them in any practical way. But in these panchayats will have to deal with matters which very intimately affect their daily life, and to make a fair comparison of them with assessors he should take the case in which the relations of the assessors themselves are the accused. Possibly in that case they would not go to sleep.

"He complains that legislation moves slowly and it is therefore necessary to make the provisions of a more advanced type. If he will study this Act he will find that when the final amendment which is put down in my name is passed, it will allow gradual progress to full municipal status without any further legislation. We are not likely to reach a higher level in these towns for some considerable time to come. I therefore oppose the amendment on behalf of Government."

The Hon'ble SAYYID RAZA ALI said —

"There is not much for me to add to the observations I made when I moved the amendment, but in spite of the care and caution which my friend the Hon'ble Dr. Tej Bahadur Sapru wishes to display, my submission is that this section, viz, section 8 will place many hardships on the panchayat, and so far as this section goes it will hardly be any improvement upon the old section. I mean this section particularly. No doubt in various respects very many improvements have been introduced and the position of the panchayat has been improved, but so far as the question of real power is concerned, I am afraid, the old panchayat would remain in the position in which it was."

The amendment was put to the vote and rejected.

The Hon'ble SAYYID RAZA ALI moved that in clause 38, sub-clause (2), the words 'panchayat, or, if specifically ordered by the Local Government, by the district magistrate' be substituted for the words 'district magistrate Local Government.' He said, —

"I do not think the amendment that I have the honour to move to section 38 as a very important one, because as a matter of fact the section as it stands and my amendment mean almost the same thing. There is only a bare difference of order. As the section stands in the Act the duties of the municipal board are to be exercised by the district magistrate in the first instance, and, if empowered by the

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Local Government, then by the panchayat. On the other hand the amendment that I have the honour to move seeks that those powers should be exercised by the panchayat in the first instance, and if in any case Government thinks that the members of the panchayat are incompetent, or if the panchayat is not fit to discharge those duties, then those powers can be exercised by the district magistrate. I do not think there is a very vital difference. In some cases, even in the section as it stands, those powers are to be exercised by the panchayat. The difference is a somewhat trivial one, I think, since these powers will be extended to those panchayats only that have proved their competence and fitness. Unless that is the case, I take it that the provisions of the Municipalities Act will not be extended to any panchayat. The very fact that these provisions are to be extended to certain panchayats presupposes that these panchayats will be efficient and competent, and that being the case I submit that those powers should in the first instance be given to the panchayat and, if it is proved by experience that those panchayats are not sufficiently advanced to exercise these powers, then these powers can be either withheld or these powers can be taken away from the panchayats and then conferred on the district magistrate. The strength that my amendment derives is from the first clause to section 38, namely the very fact that certain provisions of the Municipalities Act are to be extended to the panchayats presupposes that these panchayats are efficient and fit, and that being the case I believe that it is in the fitness of things that those powers should be conferred on the panchayat in the first instance and if the panchayat is remiss then these powers can be conferred on the district magistrate."

The Hon'ble MR PIM said:—

"The issue in this case is an important one and is exactly the same as that on which the Council has already pronounced in connection with section 23. It has been the accepted policy in framing this Bill to make the panchayat an advisory body and to leave the ultimate responsibility for the present with the town magistrate, or the district magistrate, while making provision for increasing the powers and responsibilities of the panchayat as they gradually become fitted for them. In section 38 exactly the same line has been taken, and when the Council has not accepted the principle in dealing with section 23, it certainly should not be accepted in dealing with the extra powers which are required under section 38. I therefore oppose the amendment on behalf of the Government."

The Hon'ble SAYYID RAZA ALI, having intimated that he had nothing more to add to the remarks with which he introduced the motion, the amendment was put to the vote and rejected.

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN moved that in clause 2, sub-clause (2), after the words 'any house or land may' the words 'in the locality in which it is situated' be added. He said:—

"In the clause as it now stands we find that 'annual value' means 'the gross annual rent at which any house or land may be reasonably expected to let from year to year'. The words which I propose to add are 'in the locality in which it is situated.' Of course the framers of the Bill could not have meant any other thing, but we know by experience that there are over-zealous deputy collectors and tahsildars and they might think that it will be a good thing if big houses built by persons in small towns are to be taxed according to the value or according to the money which has been spent upon them. I think the Hon'ble Rai Ganga Prasad in his note of dissent has said that those persons who take their residence in these towns build houses of great value, but they are unable to pay tax upon the money they have spent on them. For instance, for a house which has cost Rs. 10,000 we may get a rent of Rs. 50 in a big town, but the same house will not get more than Rs. 5 in a small village. So the purpose of the Legislature ought to be clearly put down that the value is to be according to the

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locality in which the house is situated, and that there should not be any other object except that No house has any subjective or abstract value The value should be according to the place in which it is situated If the place is unimportant the rent will be small, but the tax will also be proportionately small. I think it is a matter of detail only, and there is no harm if this is made clear "

The Hon'ble Dr TEJ BAHADUR SAPRU said —

"I am in perfect sympathy with the remarks which have fallen from my honourable friend Khwaja Ghulam-us-Saqlain, but from the point of view of draftsmanship it will not be wise to accept the amendment The words 'reasonably expected' in the section as it stands at present seem to me to cover the idea which is embodied in the amendment suggested by the honourable Khwaja Ghulam-us-Saqlain Now, take an example of what happens in cases governed by the Land Acquisition Act A house is acquired by the Government under the provisions of the Land Acquisition Act and the question arises as to the compensation to be paid there are various matters which the assessing officer has to take into consideration, and among others is the most important matter of taking into consideration the locality of the house A house may be valued at a thousand rupees, but it is badly situated and will not even fetch Rs 5 rent. Another house situated at a busy place, the valuation of which may be Rs 500, may fetch Rs 50 a month We know that this happens everywhere, not only in big towns but also in small towns. The words 'reasonably expected' seem to me to cover the idea which is embodied in the amendment, and for that reason it will be quite unnecessary to have the words inserted If the words 'reasonably expected' did not exist there, I should certainly have been prepared to accept the suggestion made by the Hon'ble Khwaja Ghulam-us-Saqlain and would have supported it. I therefore oppose the amendment "

The Hon'ble MR PIM said —

"The Hon'ble Dr Tej Bahadur Sapru has, I think, again disposed of this amendment The Act, as it is worded, seems to me perfectly clear, and the word 'reasonably' will fully cover the objections raised by the honourable member. The particular instance of an over-assessed house would be covered by the definition of 'annual value,' which is quite distinct from that given in the Municipalities Act Taking into account the powers of appeal to the district magistrate, it will not be possible for any local abuses to arise out of a misconception of this section "

The Hon'ble KHWAJA GHULAM-US-SAQLAIN said —

"In view of the definite pronouncement made by the Hon'ble Mr. Pim I am not prepared to press my amendment, but at the same time the speech of my honourable friend Dr Sapru reminds me of a character in Dickens' Nicholas Nickleby where a deputation attended a member of parliament and asked him why he did not perform the promise which he had made, to oppose everything that was proposed and to make it hot for everybody I think if that deputation came before the honourable member it would have a very satisfactory reply from him I make this remark because I have other amendments also and he may not adopt the attitude of Mr Gregsbury. I withdraw my amendment "

The amendment was accordingly withdrawn

The Hon'ble SAYID RAZA ALI moved that the proviso to clause 5 should be renumbered as 'proviso I,' and 'one-half' should be substituted for 'one-third'. He said :—

"The amendment is to section 5 The proviso to section 5 says 'At least one-third of the members' The amendment is that this one-third should be replaced by one-half. That is the first amendment to section 5. In moving this amendment I

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Local Government, then by the panchayat. On the other hand the amendment that I have the honour to move seeks that those powers should be exercised by the panchayat in the first instance, and if in any case Government thinks that the members of the panchayat are incompetent, or if the panchayat is not fit to discharge those duties, then those powers can be exercised by the district magistrate. I do not think there is a very vital difference. In some cases, even in the section as it stands, those powers are to be exercised by the panchayat. The difference is a somewhat trivial one, I think, since these powers will be extended to those panchayats only that have proved their competence and fitness. Unless that is the case, I take it that the provisions of the Municipalities Act will not be extended to any panchayat. The very fact that these provisions are to be extended to certain panchayats presupposes that these panchayats will be efficient and competent, and that being the case I submit that those powers should in the first instance be given to the panchayat and, if it is proved by experience that those panchayats are not sufficiently advanced to exercise these powers, then these powers can be either withheld or these powers can be taken away from the panchayats and then conferred on the district magistrate. The strength that my amendment derives is from the first clause to section 38, namely the very fact that certain provisions of the Municipalities Act are to be extended to the panchayats presupposes that these panchayats are efficient and fit, and that being the case I believe that it is in the fitness of things that those powers should be conferred on the panchayat in the first instance and if the panchayat is remiss then these powers can be conferred on the district magistrate."

The Hon'ble Mr PIM said —

"The issue in this case is an important one and is exactly the same as that on which the Council has already pronounced in connection with section 23. It has been the accepted policy in framing this Bill to make the panchayat an advisory body and to leave the ultimate responsibility for the present with the town magistrate, or the district magistrate, while making provision for increasing the powers and responsibilities of the panchayat as they gradually become fitted for them. In section 38 exactly the same line has been taken, and when the Council has not accepted the principle in dealing with section 23, it certainly should not be accepted in dealing with the extra powers which are required under section 38. I therefore oppose the amendment on behalf of the Government."

The Hon'ble SAYYID RAZA ALI, having intimated that he had nothing more to add to the remarks with which he introduced the motion, the amendment was put to the vote and rejected.

The Hon'ble KHWAJA GHULAM-US-SAQLAIN moved that in clause 2, sub-clause (2), after the words 'any house or land may' the words 'in the locality in which it is situated' be added. He said:—

"In the clause as it now stands we find that 'annual value' means 'the gross annual rent at which any house or land may be reasonably expected to let from year to year'. The words which I propose to add are 'in the locality in which it is situated'. Of course the framers of the Bill could not have meant any other thing, but we know by experience that there are over-zealous deputy collectors and tahsildars and they might think that it will be a good thing if big houses built by persons in small towns are to be taxed according to the value or according to the money which has been spent upon them. I think the Hon'ble Rai Ganga Prasad in his note of dissent has said that those persons who take their residence in these towns build houses of great value, but they are unable to pay tax upon the money they have spent on them. For instance, for a house which has cost Rs. 10,000 we may get a rent of Rs. 50 in a big town, but the same house will not get more than Rs. 5 in a small village. So the purpose of the Legislature ought to be clearly put down that the value is to be according to the

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locality in which the house is situated, and that there should not be any other object except that. No house has any subjective or abstract value. The value should be according to the place in which it is situated. If the place is unimportant the rent will be small, but the tax will also be proportionately small. I think it is a matter of detail only, and there is no harm if this is made clear."

The Hon'ble DR. TEJ BAHADUR SAPRU said:—

"I am in perfect sympathy with the remarks which have fallen from my honourable friend Khwaja Ghulam-us-Saqlain, but from the point of view of draftsmanship it will not be wise to accept the amendment. The words 'reasonably expected' in the section as it stands at present seem to me to cover the idea which is embodied in the amendment suggested by the honourable Khwaja Ghulam-us-Saqlain. Now, take an example of what happens in cases governed by the Land Acquisition Act. A house is acquired by the Government under the provisions of the Land Acquisition Act and the question arises as to the compensation to be paid: there are various matters which the assessing officer has to take into consideration, and among others is the most important matter of taking into consideration the locality of the house. A house may be valued at a thousand rupees, but it is badly situated and will not even fetch Rs. 5 rent. Another house situated at a busy place, the valuation of which may be Rs. 500, may fetch Rs. 50 a month. We know that this happens everywhere, not only in big towns but also in small towns. The words 'reasonably expected' seem to me to cover the idea which is embodied in the amendment, and for that reason it will be quite unnecessary to have the words inserted. If the words 'reasonably expected' did not exist there, I should certainly have been prepared to accept the suggestion made by the Hon'ble Khwaja Ghulam-us-Saqlain and would have supported it. I therefore oppose the amendment."

The Hon'ble MR. PIM said:—

"The Hon'ble Dr. Tej Bahadur Sapru has, I think, again disposed of this amendment. The Act, as it is worded, seems to me perfectly clear, and the word 'reasonably' will fully cover the objections raised by the honourable member. The particular instance of an over-assessed house would be covered by the definition of 'annual value,' which is quite distinct from that given in the Municipalities Act. Taking into account the powers of appeal to the district magistrate, it will not be possible for any local abuses to arise out of a misconception of this section."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN said:—

"In view of the definite pronouncement made by the Hon'ble Mr. Pim I am not prepared to press my amendment, but at the same time the speech of my honourable friend Dr. Sapru reminds me of a character in Dickens' Nicholas Nickleby where a deputation attended a member of parliament and asked him why he did not perform the promise which he had made, to oppose everything that was proposed and to make it hot for everybody. I think if that deputation came before the honourable member it would have a very satisfactory reply from him. I make this remark because I have other amendments also and he may not adopt the attitude of Mr. Gregsbury. I withdraw my amendment."

The amendment was accordingly withdrawn.

The Hon'ble SAÏYID RAZA ALI moved that the proviso to clause 5 should be renumbered as 'proviso I,' and 'one-half' should be substituted for 'one-third'.
He said:—

"The amendment is to section 5. The proviso to section 5 says 'At least one-third of the members.' The amendment is that this one-third should be replaced by one-half. That is the first amendment to section 5. In moving this amendment I

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deem it my duty to thank Hon'ble Mr Pim, the member in charge of the Bill, for having accepted the suggestions which we made at the time that the Bill was introduced. At that time a large number of the members suggested that it was time that some mention should be made in the body of the Act for giving force to the elective principle. As the honourable members are aware, at first this question was included only among those on which rules were to be made by the Local Government. But in the select committee this was accepted and that is the result of that. No doubt it would not be—I must start with a confession, for which the Council will excuse me—it would not be possible to have panchayats in all the town areas. I mean in all those places where there are panchayats at present. It would not be possible to have panchayats, half of the members of which should be by election. But all the same, power can be taken by government to make provision on that question by the rules, and I think, looking to the advancement that has been made in education in these provinces, I believe it is fair if we have at least one half instead of at least one third of the members to be elected by the electorates that are to be constituted under section 39, and therefore I beg to move that in the proviso the words 'one third' should be substituted by 'one half'. Of course at the same time power should be taken by the Local Government to extend this section only to those panchayats that are fit for it."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN said:—

"As the Council has adopted the principle that the elective element is to be introduced, I think one third is too small a proportion and the suggestion of my honourable friend Saiyid Raza Ali is a very reasonable one. No doubt the powers of the panchayat are limited. But if it is to be an experiment it ought to be in a way to interest more persons in the performance of their limited duties imposed upon them. The rural life in India is not very interesting, and, as it was suggested, I think in 1895 when the Acts were introduced in England, by the late Lord Salisbury, that a circus would be more useful for rural bodies than parish councils, but experience has shown that the contest in election is also as interesting as a circus, and for the purpose of introducing some reform we ought to give more opportunities for being elected in the panchayat. When we have restricted the powers it does not matter whether the members who are to be nominated are 5 or 7. Suppose there are 10 panches to be appointed—5 to be elected and 5 to be nominated. According to this Act only 3 will be elected and 7 nominated. If even in this small Act the powers which are given to the local body are limited, the educative purpose of the Act would be defeated and at least for another 10 years, if not more, there will be no opportunity of increasing the number of such panches. I suppose even the Hon'ble Dr. Tej Bahadur Sapru and all non-official members would accept and support this most harmless and possibly a useful amendment."

The Hon'ble DR. TEJ BAHADUR SAPRU said:—

"I rise to support the motion of my friend the Hon'ble Saiyid Raza Ali, much perhaps to his surprise. The reasons have already been given by my friend the Hon'ble Khawaja Ghulam-us-Saqlain and I entirely endorse them. I would only add that if the experiment is to be tried, as it is undoubtedly going to be tried, it is just as well to try it on a larger scale. Of course the number one third is much too small and I personally think that if we have one half the number in the panchayat elected, the policy of the Bill will not be affected. On the contrary, it will give an inducement to a larger number of men to come and work on the panchayat."

* The Hon'ble MR. PIM said:—

"Section 5 as it is worded in the present Bill is the result of a very long discussion in the Select Committee, as the honourable member will remember. When the Bill was first introduced one of the main points pressed was that the principle

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of election should be definitely recognized in the Bill and the best way of doing this seemed to be very difficult to work out. After a careful consideration of many alternative proposals the present wording was agreed on unanimously by the committee, including the Hon'ble Sayyid Raza Ali, as embodying to a reasonable extent the principle of representation but doing it in such a way that the section as it stands might be applied at once to a very considerable number of the town areas. The honourable member has now gone back from the compromise then reached, but he has given no explanation of why he has suddenly changed his mind, and why, having definitely agreed to this as the most reasonable solution, he should now go back and suggest a new one. As regards the numbers who would, under this Bill, be elected the Hon'ble Khwaja Ghulam-us-Saqlain appears to be a little wrong in his arithmetic. The section lays down that one third shall be elected, and one third of 10 is more than 3. If the principle of one half were accepted, it is acknowledged by the Hon'ble Sayyid Raza Ali that a very large number of panchayats are not fit to have one half of their members elected at present. They would have to be excluded, and the result would be that the principle of election would receive a smaller, extension than he himself desires and the progress of the towns would be correspondingly slower, which can hardly be his aim. I must therefore on behalf of the Government oppose this amendment."

The motion was put to the vote and rejected.

The Hon'ble SAYYID RAZA ALI moved that to section 5 the following should be added as proviso II — 'Provision shall be made in the rules made under section 39 for the due representation of the Muslim community.' He said —

"The next amendment that stands against my name is the proviso to section 5, clause 2. My amendment is that the present proviso to section 5 should be re-numbered as proviso I and another proviso should be added to the same section, namely section 5, and that the second proviso should read thus — 'Provision shall be made in the rules made under section 39 for the due representation of the Muslim community.' Your Honour, I think it my duty to assure the Council that in moving this amendment to section 5 nothing is further from my intentions than to disturb the amity and the spirit of conciliation that have displayed themselves lately between the two sister communities. As a matter of fact, I think that by making a provision for the separate representation of the Muslim community a source of constant friction and bitterness will be removed. As a matter of fact, even now, whenever there is an election, either in a district or municipal board, preparations are made long before the time of the election, and I am very sorry to say that the elections are fought out on the basis of religion. This may be an unfortunate time, but it is a fact that the electors of a Hindu member are as a rule Hindus and of a Mussalman member Mussalmans. No doubt this state of affairs is rather unfortunate, but that this is so I believe nobody can deny. Even now it is all very well to say that if the principle of separate representation is conceded to the Muslims that will tend to still further widen the gulf between these two communities, but, Sir, let us scrutinize the facts and see whether that really will be the result of a separate representation on local bodies. Even now, I believe, and there are many honourable members who are closely associated with district and municipal boards, I believe they will all bear me out that at the time of election 90 per cent. of the voters of each candidate profess the same religion as the candidate himself. As a matter of fact I take some interest in these elections, and I have been following the elections in my town for the past 6 years or so, and I am very sorry to say that, whenever there was a conflict, that conflict arose solely from the fact that the two members contesting the seat belonged to two different religions. That this is an accomplished fact nobody can deny, and the only question with which we are confronted now is what means should be adopted to remedy this constant source of friction and bitterness between the two sister communities. No doubt,

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Whenever there is an election, the two communities, at least such portions of the communities as take an intelligent part in the election, are divided into two hostile camps, and sometimes feeling runs very high indeed. I know of one instance which occurred in March, 1912 at Bareilly when the feeling was very high indeed, and I believe the Hon'ble Mr. Cobb our Commissioner, who is here, perhaps knows something about it. I am told that some people went to the polling station armed with sticks and whatever weapons they could lay their hands on. I do not think anybody will claim that this is a very desirable state of affairs. In Moradabad itself at times feeling runs very high. So we are confronted with this position. The question is how are we going to solve the problem. Some of my Hindu friends think that, as I have pointed out, by conceding to this principle they will be estranging the Hindus from the Mussalmans. I do not believe in that. This Council is a living example. Here the Mussalmans as elsewhere in the country get their separate representation. I do not think that myself and any of my Hindu friends are any the less friends for that fact. It may be that I represent another electorate, but all the same in the long run I do say that I represent the same electorate as my friends who have entered this Council through the mixed electorates. I have heard it said that the tendency of separate electorates is that Mussalmans care for their own exclusive questions. Now I am glad that my observations do not bear that out. My Hindu friends know the state of education in which my community is at present and what it used to be a decade ago. They are not quite as much conversant with political affairs as our Hindu friends are who entered the field rather early. And whatever the apparent difference is at present, I believe, that it is chiefly due to this fact, otherwise the Mussalmans take the same amount of interest in public questions as any other community. On the other hand I believe the complaint of the Mussalmans is that the others do not care at all for the questions which have a bearing on the welfare of the Muhammadans. So we find, as is the case everywhere, that this complaint is a mutual one. But how are we going to solve the problem? I believe this is the surest and best method of facing the difficulty and of solving the problem. There is a tendency in a number of towns to constitute the wards in such a manner that in certain wards only Muhammadans can get in and in others only Hindus. I know that the wards of the town to which I have the honour to belong were constituted on that principle. That was in the time of Sir Antony MacDonnell. There is no doubt that a large number of the wards are so constituted that in a Hindu ward a Mussalman has no chance of getting in, and only this year the same principle has been extended to the Amroha municipality. There also the principle adopted in the reconstruction of the wards is the same, namely two wards are such that only Hindu gentlemen will get through. On the other hand three wards are such that only Mussalmans will get in. We have to remember that in Amroha the Mussalman population is much larger than the Hindu population. The Hindu population is only 10,000 while the Mussalmans number something like 30,000. The only fault that I have committed in moving this amendment before the Council is that I call a spade a spade, while it may be that others may call it by the name of a cutting instrument. That there is friction nobody can deny. That at the time of election feeling runs very high nobody can deny. Possibly the surest and best method of solving this difficulty is to make provision for the separate representation of the Mussalmans. I know that the number of seats that should go to the Mussalmans is a thorny question, and that is exactly the reason why I have said in the beginning I see this question is one of those that should be settled by a compromise: therefore I have left that question untouched. As to what should be the number of seats that should go to the Mussalmans is a question which can be settled with the members of the Council. I do sincerely hope that the two communities will come to a compromise on this

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question, which the Government will be only too happy to welcome. That the Mussalmans as a body—I should say about 98 percent—do want separate representation very sincerely nobody can deny. We know that only the other day there was a motion put forward before the Calcutta corporation, where the Mussalman interest, it was alleged, had been neglected in the past, for separate representation being extended to the Muhammadans, and from what I have read in the papers I believe the Mussalmans in that quarter are going to get separate representation. The principle has been recognized in the Municipalities Act of 1910. I am not quite sure about the section myself, but if I mistake not the principle of class representation has been recognized and finds a mention in section 187 of the Act. Again in some one of the sections that are placed in the beginning of the Act the same principle of class representation has been recognized. The amendment which I move before the Council to-day is not a novel one. As a matter of fact that principle has been recognized so far back as 1900, at the time when the Municipalities Act was passed. As I have pointed out, the number of seats is a thorny question, and I believe for the time being we might leave it as it is. Without determining the exact number we might recognize the principle. I have brought this amendment forward because I am convinced, and I am perfectly sure that this amendment if carried will lead to better feelings and better relations being established between the Hindus and Muhammadans than is the case now. Even in those towns where these two communities are very much desirous of having good relations between themselves, they cannot afford to maintain their good relations in the time of election, and as a matter of fact, that does not mean only a week or a month, but sometimes begins months before the election and lasts months after the election. I believe the surest method of remedying that evil and tending to the establishment of more cordial relations between the two communities is to give separate representation to the Mussalmans, and, as I have pointed out to certain Hindu friends of mine, by representation I do not mean that half the number should go to the Mussalmans, but any reasonable representation. If the Mussalmans demand it, and if they feel that their interests cannot be safeguarded unless they have separate representation, I believe my Hindu friends will have no objection to giving a reasonable representation to the Mussalmans."

The Hon'ble SAYYID ABDUR RAUF said :—

"So far as separate representation of Mussalmans is concerned, I do not wish to trouble the Council with any remarks, because it has to a certain extent already been recognized. The only question is whether that should also be recognized in this Bill. From the discussions that have preceded me it has been made manifest that this body of panchayats is not going to occupy an important position, but the reply has been that gradually when these bodies give evidence of the capacity of working their powers should be increased. Well, then I think my honourable friend Sayyid Raza Ali has certainly done a good service in raising this question at the very outset, because, if the present state of affairs continues, any attempt that is made to minimize the chances of creating feeling between the two communities that time should be taken advantage of. In the Municipalities Act, I of 1900, there is a provision in section 187 which recognizes the principle of separate representation of classes. In this Act also, as suggested by my honourable friend, a provision may be made in order that when rules are framed by Government, in accordance with the provisions of the Act, it may be in the power of Government to give separate representation to the Muhammadans. In the Municipalities Act there is a distinct provision to that effect, and already the question is under consideration when the fresh rules are framed as to whether effect shall be given to that provision in the Act in order that the Muhammadans may have a separate representation on the boards. I have spoken on this subject before and have also tried to speak to my friends, but up to this time I have not been given any

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satisfactory reply whether the introduction of separate representation in the elective bodies would reduce the chances of friction. I submit that if the introduction of that principle in this Bill will reduce the chances of friction, members of both communities should welcome this amendment. I therefore second the amendment which has been put forward by the Hon'ble Sayyid Raza Ali "

The Hon'ble DR TEJ BAHADUR SAPRU said —

" I think I owe it to the Government and to the Hindus at large to explain that the views which I hold upon the question are not the views held by the Hindus as a body. For these views I take personal responsibility Your Honour, so far as the question of political representation, whether in Council or in local bodies, is considered, there was a time when I was strongly opposed to separate representation, as most of the Hindus at present are. But observation and experience have convinced me that the only possible solution of the difficulty is that there should be separate representation so far as the two bodies, namely the Hindus and Muhammadans, are concerned Your Honour, I do not think it is a perfectly legitimate analogy, so far as these panchayats are concerned, to refer to the Legislative Council or to the municipalities. In a letter which was addressed by the late Mr. Romesh Chandra Dutt to Mr. Herbert Risley and which is printed in the volumes of the constitutional reforms, Mr. Dutt pointed out the grave danger of pressing this system of separate representation to its logical length so far as village life was concerned. I personally believe that the conditions in our villages are not exactly of the same character as they are in bigger towns. But then the difficulty which seems to me to be insurmountable is that if the Hindus do oppose this motion, they lay themselves open to the charge that they must have some ulterior motives of their own: that they are wanting in good faith. This is an argument which has been put forward in season and out of season by Muhammadans in the press and on the platform—that as a mark of their own good faith and good intentions towards them, the Hindus should make no difficulty about conceding the points of separate representation. Now, apart from this argument, it seems to me that if the Muhammadans have got no trust nor confidence in the matter of representation, then the Hindus owe it to themselves that they shall not stand in their way and should say to them 'Well you have no trust in us. If we do not enjoy your trust and confidence, if you think you cannot be properly represented under the present system of things and that proper representation can only be secured by your representatives being selected by yourselves, if that is so, then we have no objection to offer to your wishes ' Now, Sir, it is not the question of separate representation to my mind which matters so much as what is meant by the words 'due representation' of the Moslem community in the amendment proposed. If my friend means by 'due representation' separate representation, then I can assure him of my hearty support. If the word 'due' has been used in any larger sense, then I cannot support him until I am sure what the word means, because when once I am prepared to concede the principle of separate representation, whether in Council or in local bodies and panchayats, I must tell my friends plainly that I am not prepared to concede the principle of excessive representation. Again, one unfortunate question which will necessarily arise is whether by separate representation is meant completely separate representation or whether the Muhammadans wish that they should have separate electorates in addition to the right of being elected under the Municipal Act This question has not been fully brought out in the amendment, and unless my friend gives an explanation as to what the real meaning of the words 'due representation' is, I find myself in this difficulty that while I am in sympathy with a good deal of what he says, namely, with the question of separate representation, I cannot commit myself to any position unless the words 'due' is taken out of the amendment. But

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assuming that my friend means by the words 'due representation' separate representation, I have no hesitation in giving him my support. It is in that sense and that alone that I support my friend's amendment."

The Hon'ble RAI GOKUL PRASAD BAHADUR said —

"As a Hindu I have no hesitation in confessing that I am at one with my learned friend the Hon'ble Saiyid Raza Ali in thinking that the Muhammadan community, which forms a very large portion of our population, should be duly represented on the panchayats. But the question which naturally arises is (we are not talking from a public platform, but we sit as councillors) what do the words 'due representation' mean? Does it mean separate electorates for the Muhammadans in the same way as we might have a separate electorate for Hindus, Christians, Jains, Parsis, &c, or does it mean something else? Does it mean that there should be a representation according to the population or according to the taxes paid, or according to the Government revenue paid? These are very thorny questions, and my friend has very carefully avoided them. Now unless these points are cleared up I submit that this Council is not in a position to pass any such amendment. Further, the question would arise, as my friend the Hon'ble Dr. Sapru points out, does it mean altogether a separate representation, or does it mean a separate number fixed for the Muhammadan members plus the number they might be able to get through the mixed electorates? As I have already submitted, we have no objection, and we Hindus are quite prepared to admit due representation for the Muhammadans on these panchayats. If this is what is meant by 'due representation' this amendment has my unqualified support, but otherwise I would oppose the motion."

The Hon'ble MR. PIM said:—

"As has been pointed out by several members it is very difficult to say exactly what the words of the proposer, viz. 'due representation' mean. The honourable member has alluded to the provisions of the Municipalities Act. In that Act there is nothing corresponding. What there is is that in section 187 power is given to the Local Government to frame rules for the special representation of special classes of the community. Now it seems obvious that if any arrangements are to be made they should be carefully adapted to the conditions of each place and that they should be carefully considered after publication with reference to all the complications that can arise. It seems therefore better that, if there is to be anything of this kind in the Act, it should follow the analogy of the Municipalities Act and be put in section 39. The Government are prepared to accept the proposal so far as to add to that section words corresponding to those in the Municipalities Act, namely, that rules may be made 'as to the provision (if any) to be made for the special representation of any classes of the community.' I think that will cover the greater part of the honourable member's proposal and the Government is prepared to go that far to meet him. I therefore ask whether that would meet his views?"

The Hon'ble SAIYID RAZA ALI said —

"May I know the words which Mr. Pim has suggested?"

The Hon'ble MR. PIM said —

"I will read it out of the Municipalities Act. The second clause of section 39 of this Act says —

'Such rules may relate to all or any of the following matters or be for all or any of the following purposes,' and then it goes on giving a long list of subjects. The clause which the Government is prepared to accept as an addition to section 39 is as follows.—'as to the provision (if any) to be made for the special representation of any classes of the community'"

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The Hon'ble KHAWAJA GHULAM-US-SAQLAIN said :—

"So far as the discussion has proceeded I am glad to see that from no side any objection has been made as to the principle of separate representation" [The Hon'ble Rai Ganga Prasad Varma Bahadur here interposed and said—"Because some members are silent, it does not mean that they are in agreement"] "And so far as the articulate sense goes, no objection has been raised to the procedure. My honourable friend, Dr Tej Bahadur Sapru, says 'what is the meaning of due representation?' And another gentleman says 'Are the Jains to be represented?' 'Are the Chamars to be represented?' 'Are the Buddhists to be represented?' and so on. I submit why it is that this split should be confined only to that innocent amendment of my friend which says that the Mussalmans, as an important community, should be represented in the Council because they are in a minority. It is an admitted fact that they cannot get any representation unless with the consent of the majority. As a claim I submit it is a reasonable claim, and I have much to say in favour of it, but unfortunately on this side issue it will not be proper if I enter into the whole argument. Let it be clear that this principle of separate representation is acknowledged, then all those minor differences and discrepancies can be settled, and there will be harmonious future for the Legislature on this point when the Municipalities Bill comes before the Council. As the Hon'ble Mr Pim says that the Government is prepared to give representation to all important communities, I understand that Government is prepared to accept it so far, and that our important community is to be represented in the panchayats. As the Bill leaves the details to Government, we need not enter into its severe technicalities. It will be worked by Government with proper regard to the feeling and sentiment of the majority and the minority. I would support the suggestion of the Hon'ble Mr. Pim to let the matter remain as it is, and if my honourable friend is prepared to accept the suggestion we should be satisfied, because after all the important contest and real fight is to come later on. But there is one word which to my mind is not adequate to the need. The Hon'ble Mr. Pim suggested that arrangements may be made in the regulations for important communities to be represented, that means to say that we remain where we were. If the word 'shall' is put in place of 'may' then I think there should be no further discussion on this point, and we should accept it. If honourable gentlemen are going to discuss the matter on principle, it may take two days instead of two hours."

The Hon'ble SHAHID SHAHID HUSAIN said :—

"I am glad that this miniature debate on the principle of separate representation has not developed into a full-dress debate. I am also glad to see a spirit of compromise from quarters where sometimes there used to be quite a distinct opposition to a principle which, to a certain extent, has been conceded. After hearing the suggestions of the Hon'ble Mr. Pim I would press on Your Honour and on the honourable mover the acceptance of this suggestion. I think, Sir, that for the time being that suggestion will meet the object of the amendment."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said :—

"I had no intention of speaking on the motion, but then after the remarks that fell from the lips of the Hon'ble Khawaja Ghulam-us-Saqlain, and having regard to the manner in which the distinct declaration made by the Hon'ble Dr. Tej Bahadur Sapru has been interpreted, I think it is due to myself to say that I oppose the amendment moved by the Hon'ble Sayid Raza Ali. The Hon'ble Dr Sapru said he was speaking for himself, he was not speaking on behalf of the Hindu community, and that whatever views he expressed were his individual views. I think that after the declaration it was not fair to say that all of us have accepted the principle of separate representation. I accept the suggestion made by the

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Hon'ble Mr Pim about representation of classes and communities in the panchayats in the belief that this declaration on behalf of the Government does not mean acceptance of separate electorates, because I think the introduction of such a principle in the panchayat will do immense mischief. To state my position frankly, I would rather forgo the recognition of the principle of election than have the introduction of the principle of separate electorates in the village life. We welcome the constitution of the panchayats. They will prove very useful educative bodies; they will arouse public spirit in the people, but if the constitution of the panchayat is followed by the introduction of a separate electorate, it will disturb the peaceful relations between Hindus and Muhammadans living in town areas. They have got enough of their troubles, and we do not want any more trouble added to their long list. The Hon'ble Saryid Raza Ali has said that in municipal elections Hindu voters vote for Hindus and Muhammadan voters vote for Muhammadans. I have no experience of the Rohilkhand division, but I have some of Oudh districts, and I can say that there have always been found Hindu voters who have willingly voted for Muhammadan members. He said that there is friction between Hindus and Muhammadans. I admit that there is, but it is not so acute as in other provinces. He says that the best remedy for removing this friction lies in the introduction of separate representation. But such at least has not been the experience of other provinces. I would invite his attention to the review of the municipal administration made by the Government of the Punjab in 1913, where it has been admitted that wherever a separate electorate has been introduced, the feeling runs very high. With these remarks I oppose the amendment."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN said —

"My friend said that I made an unfair remark as regards the speech of the Hon'ble Dr Tej Bahadur Sapru. I did not refer to Dr. Tej Bahadur, but to my friend the Hon'ble Munshi Gokul Prasad, who was the only other Hindu gentleman who did not oppose the principle, but only objected to certain difficulties in the way of working it."

The Hon'ble BABU BRIJNANDAN PRASAD said —

"I have said what I have to say about separate representation in a speech that I made at the time of the budget discussion, and it is not necessary for me to repeat my views, and I am strongly opposed to the principle. The words of the motion before the Council show in what spirit the resolution is put forward. The motion before the Council is not that the minority should be represented, but that the Mussalmans should be represented. I do not think it is necessary for me to go further and I strongly oppose the resolution."

The Hon'ble MUNSHI MAHADEO PRASAD said —

"In view of the remarks that have been made by some honourable members, I think it necessary to submit that the Hindus as a rule resent the spirit of separate electorates in these provinces. A letter of the Hon'ble Mr Burn was circulated to the municipalities, and the municipalities had to give their opinion on the question of separate electorates. The Benares municipality in the majority did not appreciate the spirit of separate electorates in these provinces. As a matter of experience I would submit before the Council that in the Benares municipality there are many Hindu wards which have returned Muhammadan municipal members. There is not the least feeling between the Hindus and Muhammadans when there is unity of interest and where there is no desire to make any insinuation or create feeling. It is only with a desire to create feelings that this question of separate electorates is raised. I submit that it will be found everywhere that when there is a case in a court of justice, the Hindus engage Muhammadan pleaders and the Muhammadans engage Hindu pleaders. And so I do not see any necessity of urging for a separate representation, and I submit that Hindus as a whole resent the spirit of separate representation."

I therefore oppose the amendment"

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[*Saiyid Raza Ali, His Honour the President, Saiyid Abdur Rauf, Mr. Pim.*]

The Hon'ble SAIYID RAZA ALI said—

"I do not think it is much use noticing the remarks that have been made lately by some of my honourable friends in view of the remarks that were made by the Hon'ble Mr Pim. As a matter of fact I am not much concerned with the details now. I do not want to have a cut and dried scheme at this stage. I am only concerned with separate representation or, for the matter of that, representation of important communities or classes, and, as I pointed out in my speech, words to that effect are in section 187 of the Municipalities Act. My friend the Hon'ble Mr. Abdur Rauf corroborates me on this point. I have not got the Municipalities Act before me, but I believe, so far as the principle is concerned, I would be quite content with the words that have been suggested by the Hon'ble Mr. Pim, with the exception of the words 'if any.' My submission is that the words 'if any' are unnecessary. We might omit the words 'if any.' With the exception of that, we may have the clause enacted in section 39, clause (e). I am quite prepared to accept this position and I withdraw proviso 2"

HIS HONOUR THE PRESIDENT said—

"The amendment to clause 5 is withdrawn. The amendment to clause 39 will be taken up when we come to that clause"

The Hon'ble SAIYID ABDUR RAUF moved that in section 14 the maximum of Rs. 5 as originally proposed in the draft Bill to be levied according to circumstances should be retained, and in case of tax assessed according to the annual value of houses and land, it should not be more than 5 per cent. of such value. He said—

"It may be said that having regard to section 14 I could not very well propose the amendment to section 23, but these two amendments are pressed altogether from two different standpoints. With regard to the amendment to section 23 the amendment related to the power, capacity and importance of the panchayats, and as regards the amendment to section 14 it is directed to the means of the landholders or those who would contribute towards the funds. When I proposed that the amount to be levied according to the circumstances should be Rs. 5, as proposed in the draft Bill, I did not in any way try to discredit the capacity of the panchayat. All that I say is that the new tax as proposed should not be so heavy from the very commencement. As this Bill is being launched as an experiment, we might merely make a beginning by saying that the amount of tax levied should be a maximum of Rs 5 and the same should be the amount of tax levied upon the value of houses. Even in the Bill as originally put before the Council Rs. 5 was fixed to be levied according to circumstances, and the same amount was to be levied on houses and lands. I do not see any reason why this change has subsequently been made. I have read the report of the Select Committee and specific references have been made to the modifications and changes, but I do not find any plea for this change, as to why it has accepted the maximum of Rs. 7-8 in one case and Rs $6\frac{1}{2}$ per cent. in another case. That would be increasing the fund at the disposal of the panchayat. I submit that there does not appear any necessity why the rent should be more than Rs. 5 or, in case of tax assessed according to the annual value of houses and land, it should be more than 5 per cent of such value."

The Hon'ble MR PIM said—

"This question was very fully debated in the select committee. It is generally recognized that the sanitary condition of these Act XX towns is very bad, and that much improvement cannot be effected except by increasing their income. The original proposal was to increase the limit to Rs. 10 a month or $7\frac{1}{2}$ per cent. The arguments which have now been brought forward and the hard case of the man who built a good house were given as reasons for fixing a low limit, as well as the

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[*Sayyid Abdur Rauf, Khwaja Ghulam-us-Saqlain*]

possibility of interfering with zamindari dues I think it was finally accepted, with one dissentient only, that the present limits were fair and should be proposed for the Bill. It is said that they are too high, but I have here a list of the taxes imposed in the smaller municipalities with population below 20,000 and of notified areas. Municipalities have, as honourable members know, been recently engaged in trying to find direct taxation to replace octroi and needless to say they are not anxious to pitch the limits higher than is necessary. They find that in these small towns they are obliged either to impose two taxes or possibly more than two taxes, or else to fix the limit of taxation at at least Rs. 200. Similarly in notified areas the same considerations have obliged them to have a limit of taxation which is in no case below 120, unless there is more than one tax in the towns, which we do not want to impose here. The only alternative to fixing limits of this kind is that of putting an undue burden on the poorer classes, which I am certain no one wishes to do. I think the limits which have been proposed for this Bill of 7—8 and 6½ per cent are very moderate and they will barely suffice for the larger towns. It will be necessary to reconsider raising them later on, but for the present we could not go below these limits if the towns are to make any reasonable advances in sanitation. I must therefore oppose the amendment on behalf of Government.”

The Hon'ble SAYYID ABDUR RAUF withdrew the amendment.

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN moved that in section 16 the following addition should be made before the proposed section in the Bill, which should be numbered 16(b):—

“All buildings and other properties permanently dedicated for charitable, religious or educational purposes and used for the purpose, shall be exempt from any tax under this Act.” He said —

“I need not submit that this is an important amendment. I find no provision for it in the Bill. I am ready to congratulate the members of the select committee for the great improvement they have made. They have added the elective machinery, they have removed the fining of the panchayats, they have associated the panchayats with the town magistrates in the matter of assessment. These were some of the suggestions I had the honour to make, but one important thing that I had submitted has not been embodied. No doubt it would be said that the principle is somewhere concealed in the present section 16. If it is recognized by the Government it should be embodied in clear terms. If the principle is opposed by Government, then we should know where we are and we should be able to submit our views to the Government and say that some such reform is necessary. I may say that I made the suggestion long before on the principle that all civilized Governments are generally in the habit of exempting from taxation houses and properties that are used for public purposes or for purposes of God. It was the principle of the English law, except during the stormy period of the Tudors when the King and the nobles united together to spoil churches and places of worship. In moving this amendment I have no doubt that the sources of income will not be starved and that leniency will only be shown to real mosques, temples, churches and schools and not to bogus waqfs, &c. It is quite possible that the Government to whom the power is delegated may, when making the rules, make such a rule as I have suggested. It is also quite proper that if the Government does not make such a rule, we as responsible non-officials should also be associated with the responsibility of rejecting that. If the Government is willing to accept this, it might make this addition to the clause. I had great trust in the honourable members who represented the Indian community in the select committee and especially in the Hon'ble Rai Ganga Prasad Varma Bahadur, who is celebrated for his advocacy of

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the Indian cause or the cause of the tax-payers, but he has forgotten to touch upon this subject, and I am still more surprised to see that the Muhammadan member for Moradabad, whose zeal for places of worship is well known, did not spare a portion of his enthusiasm in saving from risk 1,500 places in the 257 smaller towns. But one's trust is often misplaced on account of the lack of memory of certain honourable members. Particularly in oriental countries some special regard should be shown to the religious places of worship. The financial and economic conditions of the inhabitants of small towns are not very satisfactory and there are persons in charge of such institutions who might find it very difficult to pay this tax. It will be taxing knowledge and religion, and I believe this is not the desire of Government. With these remarks I am strongly submitting to Your Honour the acceptance of this amendment."

The Hon'ble SAYYID RAZA ALI said.—

"As a matter of fact the question was considered by the select committee. On the day on which this question was considered I happened to be there. As a matter of fact we all considered that, but then it was pointed out by some one of the members present, whose name I do not remember, that this matter might be left to the discretion of the district magistrate. It was thought that the district magistrate would exercise his discretion, and as a matter of fact will exempt places of worship from this taxation. My honourable friends Lala Sukhbir Singh and Babu Ganga Prasad Varma were also present, and we more or less hold the same view today. Now that the question has been raised by my friend the Hon'ble Khwaja Ghulam-us-Saqlain, I believe we will all agree to it. No doubt if the matter is left in the hands of the district magistrate there is no reason to think that he will not exempt places of worship from taxation, but I think when passing an Act and when legislating one should be beyond ambiguity. I believe that instead of leaving the matter to the discretion of the district magistrate, it is much better that we should specifically mention the places of worship and should exempt them from all taxation. I believe that was the sense of the select committee, but that was not pressed because we were assured that the district magistrate will do it. But I think to be on the safer side, it is better that we should accept the amendment moved by my friend and, instead of leaving the matter to the discretion of the district magistrate, we should exempt places of worship from all taxation."

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said.—

"I would say only one word. In the select committee we had some discussion about the proposals now made by the Hon'ble Khwaja Ghulam-us-Saqlain, and there we thought that this was a question of rules to be framed by the Local Government and not by the district magistrate as understood by my friend the Hon'ble Sayyid Raza Ali. Even in the Municipal Act there is no distinct provision regarding the exemption of religious and charitable places under the law. Of course these are all regulated by the bye-laws framed by the municipalities. Of course the bye-laws are different in different cities. We exempt certain educational institutions and charge some at half rates. There are Government educational institutions and we charge them at full rates. Aided institutions are charged at half rates and so on. There are religious places which are considered public and we charge them nothing, and others which are not considered public have to pay full rates. Bye-laws will be framed by the Local Government in consideration of the requirements of each separate town, whereas my honourable friend is eager to have them incorporated in the law. If the honourable member's amendment is accepted I shall be very happy to see it incorporated in the Act in the interests of the panchayat, but only places of public worship must be exempted, and private places of worship should not be exempted."

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[*Lala Sukhbir Singh; Mr Pim, Mr. Ferard*]

The Hon'ble LALA SUKHBIR SINGH said —

"This matter was discussed in the select committee, and as it was found that in the assessment of house tax in municipalities all religious buildings are exempted from taxation, it was thought proper that they ought to be exempted from assessment in this case also. But there is one point which is to be made clear in this respect. There are many buildings and properties the whole income of which does not go towards worship, but a part of it goes towards private purposes. For instance, there are many endowed properties belonging to a temple or a mosque, a portion of the income of which goes to the place of worship, but a greater part of which is devoted to the private purposes of the managers or priests. Should all the religious buildings be exempted or should it be left to the discretion of the district magistrate as to what buildings ought to be exempted and what not is now the question. I think that only those buildings should be exempted whose income goes solely to such purposes as education or religion. I therefore beg to support the amendment."

The Hon'ble MR PIM said —

"I understand that the honourable mover of this amendment pressed the view that either Government should accept his amendment or that section 16 which deals with exemption should go out altogether. Now there is an old proverb that between either and or there is room for many a pathway, and I think this is one of the cases in which we should choose one of the pathways. The obvious line is to take that indicated in the Municipal Act, which has been followed in the framing of the present Bill. It would be an extremely difficult thing to define exactly how far exemption should go and what classes should be exempted and what should properly be held to come under this class. The Hon'ble Rai Ganga Prasad Varma Bahadur and Lala Sukhbir Singh have pointed out very great difficulties which have occurred in practice and these difficulties are no imagination on their part. It is very difficult for municipal boards, and still more for such bodies as the panchayats, to resist pressure brought upon them. If one is exempted, they find it impossible to say no to another. It is quite possible that action of this kind would, in some of the small towns where small shrines or religious institutions are numerous, lead to a serious diminution of the town funds. It is therefore essential that such exemption should only be made subject to very strict rules and on the sanction of an outside and independent authority on whom such pressure cannot be exercised. For these reasons I would oppose the amendment."

The Hon'ble MR. FERARD said —

"I agree entirely with the view so far as charitable, religious or educational institutions, such as those which form the subject of today's amendment, should be relieved as far as possible from local taxation. At the same time, to make it complete, the amendment should go further and should have embodied in it charitable, religious or educational buildings which are not dedicated as well as those which are permanently dedicated. The amendment seems incomplete in itself. It would certainly be inexpedient to place this amendment in the body of the Act. By placing the amendment in the body of the Act we will open the door to litigation. The Hon'ble Mr Pim has mentioned the case of small shrines in many places. Within my own experience there are places such as Baldeo in the Muttra district and Sitapur in the Banda district where the houses of the chaubes and pragwals and people of that sort are largely used as lodging-houses. They are a sort of *dharumsala*. The public mind does not work on altruistic lines when there is a chance of avoiding taxation, and when they see there is a chance of having their buildings permanently dedicated to religious purposes and exempted from local taxation, which is the only taxation they are called upon to pay, they will

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look round for a means of avoiding it and endeavour to get their houses exempted. If the amendment is put in the body of the Act, doubtful cases cannot be decided by a rough and ready decision of the local authorities or Government, but will be matter for the courts. In some places in the province where these houses are numerous, I will instance the place of Baldeo, it would mean a severe loss not only to the municipal income but to the local town area income if such lodging-houses could successfully be placed in the category of exemption as religious institutions. Occasionally within my own experience I have come across places of worship, I have one strongly present before me today, which was undoubtedly permanently dedicated and used for religious purposes. It was a place of worship which was supposed to be visited by pilgrims and of which the character was ostensibly religious, but it was a place largely used for purposes of vice. I will not mention it by name, it may have changed since those days, but certainly no respectable member of any panchayat, any of the honourable members here, or Government, could ever possibly regard it as worthy of exemption, and if this amendment were maintained it would certainly have to be exempted because it was a place of worship which was permanently dedicated and to a certain extent was used for the religious purposes for which it was originally intended, and for which it may be used now. There are doubtless other cases of this sort, and it is far preferable that they should be dealt with by rules framed under the Act. I strongly recommend that the Act should remain as drafted. Section 16 provides for all the necessities of the case."

The Hon'ble Mr ASHWORTH said —

"The question of principle involved by this amendment is not whether buildings used for charitable, educational and religious purposes shall be exempted or shall not be exempted, but whether they shall be exempted generally or after consideration of each case on its merits. In the Municipalities Act provision is made for exemption after consideration by the Local Government of each case on its merits. As the Bill now stands, the exemption will be made by the district magistrate. It does not appear to me suitable for the principle of general exemption to find expression by the Legislature in an Act such as the present one, which deals with small and sometimes insignificant communities, while the principle has not been expressed in the Municipalities Act, which deals with much more important communities. It would appear more fitting that the adoption of so important a provision in this Act should succeed and not precede its adoption in the Municipalities Act. I would submit, however, that, apart from the question whether general exemption is desirable, the adoption of the amendment in its present form will entail upon the panchayat the decision of difficult legal questions, and that for this reason it is better to leave exemption in the hands of the district magistrate. Take, for instance, the question what is charity. It took several lines of an Elizabethan statute to define 'charity'. The English Legislature has never attempted to improve that old definition. I have before me a volume containing a large number of rulings of the English courts on the question of what is and what is not a charity. It appears undesirable that the drafting of this Act should afford scope for similar litigation. No doubt an appeal may be made to English Statutes in defence of the proposal to generally exempt religious, educational, and charitable institutions from local taxation. But on examining the English Statutes which may be invoked for this purpose we find that the provisions for exemption in any one statute differ from those in any other and that there are detailed qualifications attached to the several exemption clauses. The English Statutes therefore cannot be cited as a precedent for general exemption, and such exemption as they do permit has occasioned considerable litigation. In the Bill, as it stands, the district magistrate, subject to any rules made by the Local

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Government, has to decide as to exemption by a consideration of each case on its merits, and this appears to me to meet all requirements and at the same time to avoid the difficulties which have arisen in the case of such of the English Statutes as have allowed exemption

"It does not appear necessary to criticize in detail the wording of the amendment, but I would point out that the use of a building for religious, &c, purposes should be an exclusive use to justify exemption. In other respects too the language of the amendment lacks precision, and I submit that to draft any general provision is a matter of such difficulty as to afford in itself an argument for maintaining the Bill as it is "

The Hon'ble KHWAJA GHULAM-US-SAQLAIN said —

"I am gratified that my honourable colleagues the non-official members have unanimously supported my amendment, and I am also gratified to see that the honourable official members have attacked it from the administrative, financial and legal point of view. We have had three views placed before the Council in opposition to what I submit. The first remark was made by the Hon'ble Saiyid Raza Ali that it was left to the discretion of the district magistrate. I think it is not fair to cast the responsibility of such matters of principle upon the shoulders of a district magistrate, who is already too much burdened with work, to find out what house is the real house of worship and what house should be exempted or should not be exempted. It will be increasing his work without any benefit to the cause of administration. The other objection raised by the Hon'ble Rai Ganga Prasad Varma Bahadur is that there is no such provision in the Municipalities Act. I admit this, and it is exactly for this reason that the time is come when we should introduce such a provision in this Bill. The Hon'ble Mr. Ashworth said that radical views and new principles should not be introduced into such small Acts as the present one, but I submit that for 257 towns this is the only law, and unless this principle is introduced I do not think that the small towns will be benefited. Further, I submit that radical views and new principles more in touch with the Indian sentiments should be introduced into legislation, for the Parliament has extended the scope of these Councils and amended the procedure by which all ideas are represented in election. There must be divergence in the views of official and non-official members. It has been the case always in the most conservative countries, but the policy of Government was in accord with the general sentiments of the Indians and the Government should welcome the extended knowledge of the Indian sentiments obtained herewith and should accept this amendment and not say that there is a divergence of views from former legislation. Another objection raised is that the present amendment does not include the word 'exclusively.' I admit the force of that, and if the Government were prepared to accept my amendment with the addition of that word I would have no objection, but a direct negative is offered to me and then objections are made that such and such words do not form part of that amendment. I have no option to change my amendment, but the Government has. What I submit is this, that if the Government is prepared to accept my amendment it might be accepted with the addition of that word, otherwise the objection to it that it is not exactly worded and that there will be financial difficulties is not just. Your Honour, in the present economic condition of Europe religion is not so much a predominant factor, and there have been instances in the time of the French Revolution when even the graves of ancestors were dug for saltpetre so that the troops may fight the enemy. But these are instances of barbaric days. Now there is a spirit of compromise between the two extreme views. As the Government has made up its mind to oppose the amendment I claim a division."

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The motion was put to the vote and the Council divided as below —

AYES, 12.

NOES, 25.

| | |
|-------------------------------------|---------------------------------|
| The Hon'ble Rana Sir Sheoraj Singh. | The Hon'ble Rai Shankar Sahai |
| " Munshi Mahadeo Prasad. | Sahib. |
| " Dr. Sundar Lal | " Babu Balak Ram. |
| " Sayyid Abdur Rauf | " Rai Gokul Prasad Bahadur. |
| " Raja Kushalpal Singh. | " The Maharaja of Balrampur. |
| " Khwaja Ghulam-us-Saqlain. | " Mr. Ledgard. |
| " Sayyid Raza Ali. | " Mr. Baillio. |
| " Shaikh Shahid Husain | " Mr. Tweedy |
| " Munshi Asghar Ali Khan. | " Mr. Brownigg |
| " Rai Bishambhar Nath Bahadur | " Mr. Burn. |
| " Raja Sir Mhd Tasadduq Rasul Khan. | " Mr. Pim. |
| " Lala Sukhbir Singh. | " Mr. Hutton. |
| | " Mr. Wood. |
| | " Colonel Manifold. |
| | " Lt -Col Mactaggart. |
| | " Mr. Straight. |
| | " Mr. Hailey. |
| | " Mr. Ashworth. |
| | " Kunwar Aditya Narain Singh. |
| | " Sir Muhammad Faiyaz Ali Khan. |
| | " Mr. Mackinnon. |
| | " Mr. Cobb. |
| | " Mr. O'Donnell. |
| | " Mr. de la Fosse. |
| | " Mr. Holms. |
| | " Mr. Ferard. |

The motion was accordingly rejected.

The Hon'ble SAYYID ABDUR RAUF withdrew an amendment to clause 18 (1) standing in his name to the effect that the words "the Commissioner" should be substituted for the words "the district magistrate * * * in this behalf."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN moved that the following proviso be added to section 31 —

"Provided that the trying magistrate shall have power to discharge an offender with a warning when he is tried for the first time under the provisions of this Act."

He said —

"I do not find that there is any power given by the Police Act or the present Act such as I have suggested. When new offences are created in a country where the people have not been used to them for the last five thousand years and they are to be fined for having some heaps of refuse before their houses in towns where they have not had these laws, I think some leniency is needed in the administration of that law to discharge the offender with a warning, and for this reason I submit this amendment."

The Hon'ble MR ASHWORTH said, —

"I think this proposal ignores the proviso to section 33 of the Act 'provided that no magistrate other than the town magistrate shall take cognizance of any offences punishable under this Act except with the previous sanction or on the

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[*Rai Gokul Prasad Bahadur, Babu Brijnandan Prasad, Mr Pim*]

complaint of the town magistrate' The state of affairs is apparently this that if the town magistrate has thought it necessary to order a prosecution a magistrate of a second or third class shall hear the case and at the end shall simply dismiss the accused with a warning. The objection to this is that it would not be worth while the town magistrate ordering a prosecution unless he deemed that some notice should be taken of the offence. I would point out that the present Act imposes a mere nominal fine, and this is far better, I think, than that we should simply have a warning. It is unnecessary to put in this addition. Moreover, the addition introduces a new punishment. The precise object which is intended by this proposal is already secured by section 249 of the Code of Criminal Procedure. Where the town magistrate tries a case himself section 249 applies. In that section we have no case instituted otherwise than by the complaint of the presidency magistrate or magistrate of the first class, or with the previous sanction of the district magistrate, who can stop the proceedings at any stage. The town magistrate can therefore stop conviction by saying he thought it sufficient to merely warn the accused. That would be legal under section 249. I do not think we want to introduce in this Act punishments which do not find a place in the Indian Penal Code. I should also mention that we require to report to the Government of India any penal section. We have reported our penal sections under this Act. If we alter the penal sections that have been sanctioned by the Government of India, I think it is a question whether we are not bound to report it again. It might be considered too insignificant, but provided we have this present regulation that all penal sections should be reported to the Government of India, it seems to me that any alteration to a section that has been sanctioned in one form will have to be reported to them. I therefore ask the Council not to accept this proposal."

The Hon'ble RAI GOKUL PRASAD BAHADUR said:—

"I should like to support the amendment proposed by the Hon'ble Khwaja Ghulam-us-Saqlain. The reason which has been advanced against the amendment is that the magistrate who has considered a case before sanctioning a prosecution ought not to try it, and another magistrate under the circumstances would not be forthcoming. The mere fact that the town magistrate has directed a prosecution should be no reason for saying that in that case there cannot be warning only and there must be a fine. I do not profess to know much about the necessity of sanction, but accepting it, I do not think that that would be against the amendment. The whole thing is this, as Your Honour will see, from the first the object of this bill is to improve the administration of the towns. We know exactly what the villages are, and it will take some time before the people inhabiting these areas will get accustomed to these regulations, and I submit that under these circumstances the amendment proposed by the honourable mover should be accepted."

The Hon'ble BABU BRIJNANDAN PRASAD said:—

"I support the motion moved by my friend the Hon'ble Khwaja Ghulam-us-Saqlain. There are illiterate people who do not know the law and they would not appreciate being convicted on account of not knowing the law. I would urge that on the first conviction there should be warning and the accused be discharged."

The Hon'ble MR PIM said:—

"The general feeling which lies at the bottom of this amendment is that in introducing a rather high standard of sanitary administration in these provinces we should deal tenderly with offenders for some time to come. I think that everybody will agree that it is desirable, but this is unnecessary to make special legislative provision for this purpose. A nominal fine or the discharge of the accused"

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tried by the magistrate will be quite sufficient to meet all the difficulties of the case and it will be complicating matters unnecessarily to introduce special legislation I therefore oppose the amendment."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN said .—

"We are coming to the end of the amendment and from whatever I have heard I have not been able to change my mind. The Hon'ble Rai Gokul Prasad Bahadur has replied to a very important objection raised by the Hon'ble Mr Ashworth. As to the other position I submit the law gives no option to the Magistrate. Either he must acquit or he must punish. If he acquits, of course the man goes away and says — 'there is nothing in the law, I can again commit the same offence.' If he punishes him, it is a kind of slur which will be cast upon the person, and if that person goes in court he will be asked 'have you been convicted?' he will have to say 'yes I have been fined under a certain Act.' It will not cast any small blame on a respectable man to be convicted because his servant may be guilty of throwing some refuse in front of his house, but such are the circumstances. In the end I may say that Comte has written a book on the perfectibility of the human nature; it seems to me that there is also the perfectibility of the select committee because none of their legislation has ever been thought worthy of improvement in the least degree."

The amendment was put to the vote and rejected.

The Hon'ble SAIYID RAZA ALI moved that the words 'other than the town magistrate' in the proviso to section 33 be omitted. He said —

"All those who have any experience of criminal courts will agree with me that it is not, and it could not have been, a sound policy to combine the duties of a thief catcher and a judge in one man. If the prosecution is started by the town magistrate and the town magistrate tries the case himself, which is more likely under the proviso to this section, my submission is that, apart from the fact that the magistrate will be in a position to administer justice anyhow, it cannot inspire confidence in the man who appears as the accused before the magistrate. What is desirable is not only that there should be justice, but also that that justice should be above suspicion. I believe that is a principle which has been agreed upon by all those who have given any time or thought to the question of the separation of the executive and judicial functions. We find the same thing reproduced here only on a very small scale. This contemplates the prosecution being started by the town magistrate, who will be the executive head of the panchayat, and also the case being tried by the same magistrate, so far as I understand it. My submission is that that possibility should be removed, and if the prosecution is to be started by the town magistrate then we should make it a condition precedent that the case should not be tried by the town magistrate himself but it should go to some other court, otherwise the feelings of the man who stands charged with an offence under this section can very well be estimated by honourable members. Here is a man the town magistrate starts proceedings against and tries the case himself. That is not a condition of things which will inspire any confidence in the mind of the accused. I believe this a question of first principle. It may be that it is very difficult to have a separation of the executive and judicial functions. No doubt it is a very complicated issue, and fortunately for us we are not confronted with that issue at this stage. This is a very simple matter, and I believe no body will be a loser if as a matter of fact the case is tried by any magistrate other than the town magistrate. With these few words I commend this amendment to the notice of my honourable colleagues here."

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The Hon'ble SHAIKH SHAHID HUSAIN said —

"I am sorry I am unable to agree with the remarks of my learned friend sitting on my left. His apprehensions seem to me not to be borne out by the wording of the section. He has understood that the proceeding will be begun by the town magistrate and will be conducted before him. I notice that the position of the town magistrate will be something like a sub-divisional officer in the executive branch. In fact the complaint before the town magistrate will be made in the usual form as complaints are made to the sub-divisional officers who try the cases. There is nothing in the section which appears to me to indicate that the town magistrate will be lodging complaints in his own court. In fact the provision here is that no other magistrate will be able to proceed under this section except with the previous sanction of the town magistrate. In other words sections 476 and 195, Criminal Procedure Code, are reproduced in a miniature scale. This provision is to safeguard the interest of the division which is placed under the town magistrate. This is a measure which will put extra power in the hand of the town magistrate, something more than what is placed in the hands of a sub-divisional officer. As the section stands, I think, this limitation has been very well thought out and it will safeguard the interests of the public, whose interests will be in the hands of the town magistrate and instead of any apprehension of my learned friend proving true they will be amply safeguarded by this section."

The Hon'ble DR TEJ BAHADUR SAPRU said —

"I rise to support the amendment of my honourable friend Salyid Raza Ali. I find that the words 'town magistrate' have been defined in clause (9) of section 2, and it is said that that town magistrate means in respect of any town area the sub-divisional magistrate in charge of the sub-division. Now section 4 provides for the appointment by the district magistrate of any other magistrate than the sub-divisional magistrate to exercise the powers and perform the duties of the town magistrate under this Act in respect of any town area. Bearing these two sections in mind it is quite obvious that the first part of section 33 which contains the words 'any magistrate' contemplates the case of an accused being tried by any magistrate appointed under section 4. Now if it is a town magistrate, then obviously no sanction is necessary. But if it is a magistrate within the meaning of section 4 of the Act, that is to say, a magistrate other than a town magistrate who has been appointed for the purposes of this Act by the District Magistrate, then the proviso comes into play and there it is said that 'provided that no magistrate shall take cognizance of any offence punishable under this Act except with the previous sanction or on the complaint of the town magistrate.' That is to say, if a magistrate appointed under section 4 has got to try the case he cannot try the case unless sanction has been given by the town magistrate within whose jurisdiction the offence has been committed. Now the effect of the amendment which has been moved by my honourable colleague is that in no case shall the town magistrate be competent to try a person who has committed an offence within his jurisdiction. Now if these words 'town magistrate' are taken out, the proviso will read 'provided that no magistrate shall take cognizance of any offence punishable under this Act except with the previous sanction or on the complaint of the town magistrate.' The effect will be that, while the town magistrate may start the prosecution, he himself will not be competent to try the case. Now so far as the principle is concerned, I am in agreement with it. I think the town magistrate who will be trying the case will perhaps have too much knowledge of the offence. It is a not very desirable thing that the magistrate should know too much of a case, and I think it is very desirable that, though he may start or initiate a prosecution, it should go before a magistrate who has been appointed under section 4 of this Act or who may be specially appointed. There is nothing to

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prevent the district magistrate from appointing a magistrate specially for the trial of any case under this Act. Therefore I submit, Sir, on principle the amendment is a very salutary one and I support it."

The Hon'ble RAI GOKUL PRASAD BAHADUR said —

"We find the words 'town magistrate' as defined in the Act includes also a magistrate appointed under section 4. The words 'town magistrate' here mean the sub-divisional magistrate in charge of the sub-division, unless some other magistrate has been appointed under section 4. So that the words 'town magistrate' include the sub-divisional magistrate as well as any other magistrate appointed to exercise the powers that are the duty of the town magistrate in respect of any town area. Now the question naturally rises what does the word here mean? Does it mean that there is, or is it contemplated that besides the sub-divisional officer and magistrate appointed for the purpose, there is also to be another magistrate who can try an offence under this Act? That is not very clear. If it means that another magistrate besides the sub-divisional officer can try the offences punishable under this Act, this proviso has no meaning. And what I submit is that having regard to this defect and for the reasons advanced by my predecessors, I submit that it would be best to delete this portion. This provision seems to have been based on the same lines as section 195 of the Code of Criminal Procedure in which certain offences cannot be taken cognizance of by any court unless on the complaint or sanction of the court before which the offence has been committed. On this ground I submit that the provision should be deleted."

The Hon'ble BABU BRIJNANDAN PRASAD said —

"Under paragraph 1 of clause 33 every magistrate having jurisdiction within the area can try the offences. Now, reading clauses 2(9) and 4 together it appears that besides the town magistrate there will ordinarily be the sub-divisional officer (in case he is not the town magistrate), the tahsildar, and probably a number of special and honorary magistrates who can exercise jurisdiction within any town area. Under these circumstances there is no reason why the town magistrate, at whose instance the proceedings will be started, should himself try such cases. It is against all principles that the functions of a prosecutor and a judge should be combined in the same person. At least such a combination does not command public confidence and therefore I am against it and support the motion. The wording of the clauses referred to seems to have given rise to some confusion of ideas as appears from the remarks made by my friend the Hon'ble Mr. Sapru. As I read the clauses, in cases where the district magistrate takes action under clause 4, the pargana officer will not start prosecution but he will be able to try the cases started by the town magistrate under paragraph 2 of clause 33. In fact the case of a town magistrate trying a case started by himself is something worse than the combination of a prosecutor and a judge. In coming to a decision as to the necessity of starting a prosecution the town magistrate will, and must, to some extent at least, prejudge the case, and will so far be prejudiced against the accused. Under these circumstances, Sir, as a matter of principle it is proper that some other magistrate should try the cases started by the town magistrate. With these words I commend the motion to the Council for acceptance."

The Hon'ble MR. PRIM said —

"It is hardly necessary to go into the general question of the separation of the executive and judicial functions, but I think there is a certain amount of misunderstanding as to what is intended. The Act lays down in the definition of the words 'town magistrate' that he shall be the sub-divisional magistrate unless some other magistrate has been appointed under section 4, in which case the expression

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means such other magistrate. In the normal course it will be the sub-divisional magistrate who will under section 33 try the offences, or, as the section goes on to say, 'any magistrate within whose jurisdiction any such offence may have been committed, provided that no magistrate other than the town magistrate shall take cognizance of any offence punishable under this Act except with the previous sanction or on the complaint of the town magistrate.' There was some discussion in the select committee about this. They did not want offences to be tried by a magistrate who might not have sufficient experience. There was one particular objection, viz. that the accused should not be tried by the tahsildar, unless the case has been first of all approved by an experienced magistrate, e.g. the sub-divisional magistrate. Therefore that proviso was put in the terms used. Now, as a matter of practice it should only be in rare cases that the town magistrate would not be a sub-divisional officer. Therefore it is insured that an experienced officer shall deal with these cases, either by approving the prosecution, or dealing with the offences himself. The cases which would have to be tried under this bill would be of a very petty type, for which the penalty will always be exceedingly trifling, and the result of the honourable member's amendment would be that some unfortunate man who might have been fined Re. 1 by the sub-divisional officer initiating the case would have to go some 20 miles to some other officer, thus wasting his time and money. I therefore oppose the amendment on the ground that in dealing with such petty offences which will always be dealt with by experienced officers it is unnecessary to give the unfortunate litigants the extra trouble of going off to find another magistrate."

The Hon'ble SARDAR RAZA ALI said —

"I have got the old bill with me, I mean the bill that was before the select committee on the 10th April 1913, the date on which the select committee met. Unfortunately I have not been able to find out this clause in the old bill, but, so far as I remember the proceedings of the committee, a point arose which was raised by the Hon'ble Mr. Ashworth. The question was—will every man have a right to bring a complaint against another man who has trespassed or broken a rule under this bill, or is it necessary to insist on any sanction having been obtained beforehand?—and we all agreed that it was necessary in order to avoid the multiplicity of proceedings, and in order to avoid fictitious cases being started against any person. It is advisable that before the case is launched into court sanction must be given by the town magistrate. If I remember correctly, that is what was decided then. But I do not remember the words which were used on that day, I mean for town magistrate. The real point now is that the town magistrate will be either a sub-divisional officer or a man appointed under section 4. This is quite clear, there is no ambiguity about that. But the question is,—and I believe this is the point which has been objected to—suppose we take a case in which there is no sanction. Now a certain case is brought against A in the town magistrate's court without any previous notice. Under this proviso it is open to the town magistrate to entertain that case and punish the accused without any previous sanction being obtained. That is the effect of the proviso. Now if the case is to be tried by another magistrate then the above sanction must be given by the town magistrate. But let us take a reverse case, namely, of a prosecution before a town magistrate. It is not at all necessary that sanction should be obtained by any man and that is exactly the objectionable feature of this section. Most of us agree, and I believe most of the non-official members agree, that the case should not be tried by the town magistrate. I believe that seems to be the consensus of opinion here. Let the town magistrate start the prosecution against the offender, but let him send up the accused to another magistrate. There will be so many magistrates in the sub-division. There will be

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the sub-divisional officer himself, who will in all likelihood be the town magistrate, then there will be the tahsildar, there will be the honorary magistrates, and there is a growing tendency on the part of Government to appoint more honorary magistrates. That being the case, I believe that if the honorary magistrate is not a member of the panchayat there is no reason why he should not try the case. I believe it is very important, as has been pointed out by the Hon'ble Dr Tej Bahadur Sapru, that the town magistrate, who would no doubt know a good deal more than is safe for him to know, so far as that particular case goes, should not take cognizance of the case, and he should not try it. The Hon'ble Mr Pim has referred to the case of the accused who might have to go about 20 miles in search of a magistrate. I believe this remark would apply with greater force to the town magistrate, because the town magistrate is likely to be, and I believe in nine cases out of ten he will be, a sub-divisional officer and we know that sub-divisional officers are on tour for more than three months, anyhow for three months. It may be that the man to whom the case is made over, will not be on tour, anyhow that can be done. The real objection is that the proviso contemplates the case being tried by the town magistrate without any previous sanction. That exactly is the point to which the objection is taken and the best thing would be to let the town magistrate consider all the facts and if he thinks there is a strong case against the accused let him start proceedings and let him send the case to another man."

The motion was put to the vote and the Council divided as below —

| AYES, 11 | | NOES, 18 | |
|-------------|----------------------|-------------|---------------------------|
| The Hon'ble | Munshi Mahadeo | The Hon'ble | Rana Sir Sheoraj Singh |
| | Prasad | | Dr Sundar Lal |
| " | Rai Shankar Sahai | " | Saryid Abdur Rauf. |
| | Sahib | " | The Maharaja of Balrampur |
| " | Babu Balak Ram | " | Shaikh Shahid Husain. |
| " | Raja Kushalpal Singh | " | Munshi Asghar Ali Khan |
| " | Babu Bijjnandan | " | Mr Ledgard |
| | Prasad | " | Mr. Baillie |
| " | Rai Gokul Prasad | " | Mr Tweedy |
| | Bahadur. | " | Mr. Brownrigg |
| " | Khwaja Ghulam-us- | " | Mr. Burn |
| | Saqlain | " | Mr Pim |
| " | Saryid Raza Ali | " | Mr Hutton |
| " | Rai Ganga Prasad | " | Mr Wood |
| | Varma Bahadur. | " | Col Manifold |
| " | Dr Tej Bahadur Sapru | " | Lt -Col. Maclaggart. |
| " | Lala Sukhbir Singh | " | Mr. Straight. |
| | | " | Mr Hailey. |
| | | " | Mr. Ashworth |
| | | " | Chaudhri Maharaj Singh |
| | | " | Sir Muhammad Tasadduq |
| | | | Rasul Khan |
| | | " | Sir Muhammad Faiyaz-Ali |
| | | | Khan. |
| | | " | Mr. Mackinnon. |
| | | " | Mr. Cobb |
| | | " | Mr. O'Donnell |
| | | " | Mr de la Fosse. |
| | | " | Mr. Holms. |
| | | " | Mr Ferard. |

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The motion was accordingly rejected.

The Hon'ble KHWAJA GHULAM-US-SAQLAIN moved that in section 36, clause (1) in the last line and before the words 'to be specified in the order' the following words be added 'not exceeding two years.'

He said :—

"The amendment that I submit is to the effect that a panchayat should not be suspended for a period exceeding two years. The reasons are that according to the judicial principle every punishment should have a limit and every punishment should be defined. It is quite possible that a panchayat might be suspended for a period of 99 years or for the natural life of man, 33 years, and I think that would not be the object of the framers of the bill. I would not be very particular of the exact period of two years, but I think that in the twentieth century, because it is after all in the nature of a penalty, we ought to have a limit for every sort of punishment. I think it was only till the time of the Straits that a person was ordered to be imprisoned according to the pleasure of His Majesty the King and it was mostly in seditious cases. I hope it would be more according to the spirit of the times to put a limit to the period for which they are suspended."

The Hon'ble Mr. PRIM intimated that the Government was prepared to accept this amendment.

The motion was thereupon put and agreed to.

The Hon'ble MR PRIM moved that the following clause be substituted for clause 38 as it stands in the bill now before the Council, namely —

"38. (1) The Local Government may, by notification in the gazette, extend to all town areas or to any town area or to any part of a town area any enactment for the time being in force in any municipality in the United Provinces, and declare its extension to be subject to such restrictions and modifications, if any, as it thinks fit

(2) Where any enactment is so extended, any provision of this Act inconsistent with such extension or declared in the aforesaid notification to be inoperative shall cease to have effect so long as the extension is in force

(3) When any enactment has been so extended the functions of the municipal board shall, so long as the extension is in force, be discharged by the district magistrate or by the panchayat if so empowered by the Local Government.

(4) When the panchayat is empowered under sub-section (3) to discharge any functions assigned to the municipal board by any enactment so extended, the Local Government may declare applicable also to the panchayat for such period as the extension continues in force and subject to such restrictions and modifications, if any, as it thinks fit, any enactment prescribing the status, rights or liabilities of the municipal board in respect of the exercise of such functions.

(5) The Local Government may, by notification in the gazette, direct that any enactment so extended shall cease to be extended to any town area or part of a town area"

He said :—

"The amendment which I have to propose, a copy of which is before honourable members, is intended to allow the application of miscellaneous Acts such as the Water Works Act or, it may be, the Drainage Act, to town areas and so to complete the legislative provision for gradually raising the status of these towns. I do not think that there is any need for me to enlarge on the advisability of passing this and I content myself with simply proposing the amendment."

The motion was put and agreed to.

The Hon'ble SAIYID RAZA ALI moved that at the beginning of clause (e) of section 39 these words should be added "as to the proper representation of important communities."

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[*Sayid Raza Ali, Dr. Sundar Lal, His Honour the President, Mr. Pim, Rana Sir Sheoraj Singh.*]

member to raise any objections of this kind which may occur to him. But a general legal definition I am not prepared to give."

The Hon'ble SAYID RAZA ALI said —

"If the Government agrees to make it quite clear, I do not mind if the amendment goes down in these words, simply out of respect to the objection raised by my friend the Hon'ble Mr. Pim. As to the problem for separate representation of Muhammadans or representation of other classes of the community, if the Government agrees, I have no objection to these words being inserted."

The Hon'ble DR. SUNDAR LAL said —

"I wish to inquire as to a point of order. There is a motion here in certain terms. Government has expressed its willingness to accept another amendment. The honourable mover has not yet accepted the terms of the amendment proposed by the Hon'ble Mr. Pim, and the Hon'ble Mr. Pim has already said he cannot alter it any further. The question is can we discuss that amendment now before the former one has been accepted?"

HIS HONOUR THE PRESIDENT said —

"The Hon'ble Dr. Sundar Lal's remarks are very much to the point. I confess I did not understand the last speech of the honourable mover. As we stand now it seems to me that we have two motions before the Council, one motion being that which was moved by the Hon'ble Sayid Raza Ali, and the other an amendment put to that motion on behalf of Government by the Hon'ble Mr. Pim. The ordinary procedure would be to take the sense of the Council upon the amendment first, and if the amendment is carried to insert that in the Bill. If the amendment is not carried then we shall vote on the original motion. I shall accordingly take action in that manner. The question before the Council is that in section 39 after clause (2)(d) a new sub-clause be inserted as follows—'As to the provision, if any, to be made for the special representation of any community' and that the later sub-clauses be renumbered."

The motion was put and agreed to.

The original motion consequently failed.

The Hon'ble MR. PIM moved that the United Provinces Town Areas Bill, 1913, as amended, be passed into law.

The Hon'ble RANA SIR SHEORAJ SINGH said —

"I may be permitted to make a few observations on the draft Bill as modified and enlarged by the select committee. The Bill as it now stands fairly promises to fulfil the object with which it has been framed. But I would certainly say that the maximum rate of tax to be imposed under clause 14 has, instead of being reduced, been enhanced in case of 'according to circumstances' to Rs. 7-8-0 per mensem and in case of 'according to the annual value of houses and land' to Rs. 6-4-0 per cent. I am quite opposed to any such enhancement. The rates as mentioned in clause 12 of the bill as originally drafted are in themselves as high as they can possibly be. Surely the enhancement proposed is due to growing sanitary requirements affecting the vital interest of the people but still I doubt whether it will meet with general approval. Taking into consideration the growing needs of the people, the every-day rise in the prices of the articles of daily requirements and last but not least the natural calamities like famine, plague, &c., which are constantly at their doors, in my view it seems too much under such pressing circumstances to effect any further enhancement. Again, I have to say that I entirely agree with the amendments proposed by the Hon'ble Khwaja Ghulam-us-Saglan, more particularly with that provision which exempts all buildings and other properties permanently dedicated for charitable, religious or educational purposes for the imposition of any such tax on such buildings and properties will greatly deter the moral as well as the educational improvement of the masses."

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[*Rai Ganga Prasad Varma Bahadur; Mr. P.M., Shaikh Shahid Husain*]

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said —

"I think I should not allow the Bill now before the Council to pass into law without expressing my gratitude to the honourable member in charge of the Bill for the readiness shown by him in accepting amendments which have made the Bill acceptable to the non-official members. We are glad that the principle of election in the constitution of the Council has been accepted and that the panchayats will be constituted partly on the elective basis. I hope that in working the measure the Government will see that if possible at least in certain particular localities whole panchayats should be constituted on elective principles. The law authorizes the district magistrate to have at least one third members of the panchayats elected, but if the number is raised from one third to two thirds they will receive much more help in the administration of the towns and the people themselves saved unnecessary harassment at the hands of the subordinate tahsil staff. I wish it were possible for the Government to accept the suggestion made in the note of dissent attached by me to the report of the select committee, and to-day repeated in the Council by the Hon'ble Sayid Abdur Rauf and the Hon'ble Sayid Raza Ali, to make the panchayats executive instead of mere advisory bodies because that would have created in the people a genuine sense of responsibility, a feeling of local patriotism which has to be developed. Let me express the hope that though it has not been done, the very creation of the panchayats will put an end to the old state of things. The assessment of taxation by Bakhshi of Gharwaia assisted by the nominees of the tahsildars, however arbitrary it might be, will not be final and that the tahsildar will no more have the entire administration of the towns within the jurisdiction of his tahsil in his hands but that he would have colleagues from the non-official community who will work with him with thorough independence, having due regard to the convenience and the comfort of their fellow-townsmen."

The motion was put and agreed to.

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The Hon'ble Mr. P.M. said —

"I rise to propose that the United Provinces Local Rates Bill of 1913 be taken into consideration.

"It was decided at the last meeting of the Council that the Bill should be circulated, and this has been done by the publication of a resolution explaining its objects and the reasons for the various changes made. The intention of the Bill is simply to make it possible for district boards to take advantage of the recent concessions made by the Government of India. In Agra appropriations from the rates for police purposes will cease, and all proceeds of the rates will go to the district boards. To effect the same result in Oudh the separate police rate is being abolished and in place of it an addition of $2\frac{1}{2}$ per cent. is being made to the local rate, the net result being a total reduction of Rs. 80,000 in the rates to be levied in Oudh. Existing liabilities for the payments of local rates will, as far as possible, be maintained without alteration and the main result of the Bill will be to reduce the rates payable in the districts of Sitapur, Hardoi, Gonda, Bahraich and Sultanpur by $\frac{1}{2}$ per cent. and in Fyzabad and Partabgarh by $\frac{1}{4}$ per cent. In three districts, Lucknow, Bara Banki and Rae Bareilly, the present rate for the police rates is respectively Rs. 2-4, 2-6 and 2-7. This will for the present remain unaltered until it is shown that the necessities of the district boards will make it advisable to raise the rates in those districts to the standard rate of Rs. 2-8 which will prevail in the other districts in Oudh. The total addition to the resources of district boards will be about 31 lakhs."

The Hon'ble SHAIKH SHAHID HUSAIN said —

"When this Bill was last before this Council I took the liberty of suggesting then and I accepted Your Honour's proposal that the Bill will be circulated for

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[*Shahk Shahrd Husain*]

opinion The Bill has been now circulated and the opinion of an important association of the landholders of Oudh, that is the opinion of the British Indian Association, has been submitted to Your Honour. Although it has been submitted very late in the day, but His Honour is aware that the conservative members move very slowly, all the same they have sent in their opinion which is before the Council. I expect that after the receipt of that opinion my learned friend the honourable mover of this Bill will be in a position to state before the Council what are the particular reasons, what are the particular necessities for which the honourable mover is going to take back from us what has been given to us by the Government of India. The Government of India after a long time have recognized the principle that the chaukidari rate ought to have been paid by the provincial funds, and ought not to have been a burden on the already over-burdened landholders. This matter about the Chaukidari Act has been often pressed on the Government, and at this stage if I may be permitted to read from the submission which has been forwarded to Your Honour from the B I Association I think it will throw a great light to the members of this Council about the chaukidari cess. The history of the chaukidari cess is as follows. In these provinces in the Nawabi times the village chaukidar was, as he was elsewhere, a mere village servant appointed by zamindars to protect the person and property of the villagers, to collect rents and do odd jobs and paid by them by grant of land. On the occupation of Oudh the position of the village chaukidars was at first left as it used to be under native rule. In the engagement taken at the first regular settlement a clause was inserted for the remuneration of the village chaukidar, but in other respects the position was left untouched. The organization and payment of village chaukidars used to be governed by the circular orders issued from time to time by the Chief Commissioner of Oudh. The first legislative enactment which dealt with the subject of rural police was Act XVII of 1871 of the Imperial Council. The original village servant was transformed into a policeman, but the system of payment remained as it was before the passing of that Act. Afterwards in some places cash allowances to chaukidars were ordered to be made instead of grants of land. It was for the first time enacted by the Local Council Act, V of 1901, that a chaukidari rate not exceeding 3 per cent on the annual value of land was to be levied from the landholders. The British Indian Association have on several occasions represented to the Government that the landholders should be relieved from the payment of chaukidari rate as the chaukidar instead of occupying the position of the servant of the village, as he did formerly, had become a part and parcel of the police. Now I submit, Sir, that with a 3 per cent reduction I think the taluqdars and other landholders were feeling very grateful that the principle of payment of chaukidars from the provincial revenue was decided upon and that there will be a reduction of 3 per cent. on the land. A reduction of 3 per cent. might appear on the surface not a very large reduction, but considering the position, particularly in Oudh, of the tenantry, I think I am right in submitting before Your Honour that no further increase should be made unless very strong grounds were to be made out. The position of the tenantry is such that any comparison of the Oudh tenantry at present with the tenantry in United Provinces, particularly in places where there is canal irrigation, will without any argument convince the onlooker that the position of the Oudh tenantry has not improved much. As far as I have been able to see things with my own eyes, I find that the tenantry in the Punjab in canal-irrigated areas is undoubtedly better off than the tenantry in our provinces. No such charge can be laid at the door of the landlord that he is very exacting and it is on account of his exactions that the tenantry is very poor. It has been officially recognized that the taluqdars are, as a general rule, better landlords than anyone else and they have been dealing in a majority of cases fairly and in a spirit of generosity with their tenantry.

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[Raja Kushalpal Singh]

The fact of their poverty is due to the congestion of population and to the indifferent produce of the land. With the prospect of the Sarda canal in view I am quite sure that the prospects of the tenantry will improve, but at present, particularly in this year, when we are faced not with a severe famine but at least with a severe drought, and considering also that the tenantry are poor and in the natural course of events the burden will actually and really fall on them, I think any fresh taxation should not be started with a very light heart. Instead of a 3 per cent decrease, and I believe the landlords are entitled to some concession, even milch cows sometimes expect that some rest should be given to them, the landlords are being made to pay and pay, and when some reduction would have been very welcome and we were looking forward to that reduction we are told that the Government of India, instead of giving that reduction will take it back by passing a new Act in which $2\frac{1}{2}$ per cent will be saddled on us. While recognizing that a reduction of 3 per cent is necessary, that we ought to be relieved of this, we are told that you will have to pay $2\frac{1}{2}$ per cent and you are lucky simply because the other province does not pay more than 5 per cent, otherwise a full 3 per cent. would have been added on. It is a matter of principle, and I think, Sir, I need not dilate on that, and I never like to dilate on theoretical principles, that when you are going to charge a new tax you must make out a very strong case for the new taxation. The learned mover says the landlords are very well off and are not very heavily saddled with the Government revenue and all that. I demur to that proposition. The landlords have a lot of other duties to perform. The landlords have to pay, as a rule, the Government revenue in time whether they are able to collect it or not. They have to pay it *volens volens*. They have also to bear the cost of collection which those officials of the Government who are in contact with the Court of Wards know nearly comes to 10 per cent; they have also to bear the non-recoverable arrears which approximately come to about 5 to 7 per cent. in average years. They have also to keep charitable institutions, and perform other functions, and I do not think, Sir, that much is left to them which can be conveniently considered as fit to be charged for extra. I submit that before this Bill is taken into further consideration we would like to know, apart from the general terms that the district boards require it, why and for what purposes this additional expense is going to be charged to the landlords, and further whether the sum ought not to have been met by an arrangement with the Government of India about the rate with which they take our shares of the Government revenue. And further on if the Government is pleased to go on with the consideration of this Bill, then my second submission would be that the matter ought to be referred to a select committee, because there are certain points which require elucidation in the enactment itself, and also considerations which have been submitted by the British Indian Association about the local rates assessment on waste land grants. This is a matter which has to be considered. My first submission is that this Bill should not be taken into consideration unless there is a strong case for extra taxation, and secondly that if it is decided that this Bill be taken into consideration, then it should be referred to a select committee."

The Hon'ble RAJA KUSHALPAL SINGH said.—

"The Government order no. 27 (a), dated the 4th January 1855, runs—

"The Government and the public generally share directly the benefits derived from the road and school funds and from the dák and chaukidari establishment, and it is therefore proper that the expense on these accounts should be debited against the rental assets, before proceeding to the calculation of "jama" so that the remainder of the rental only shall constitute the sum, of which one half is to form the Government 'Jama' and the other half to cover the profit, risk, and expenses of the proprietors. The Government will thus share fairly with the proprietors, the charge for those objects which are of equal concern to all parties."

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[*Raja Kushalpal Singh*]

"This state of affairs continued up to 1872, when by a circular of the Board of Revenue, no 8, dated the 13th July, 1872, it was directed that 'the system of taking engagements from the proprietors to the payment of local cesses as a part of the land revenue be abandoned'

"Since this order was carried into effect, the Settlement Officer did not pay any regard to the amount of the local cesses to be paid by the landlords at the time of assessing the Government revenue, and the result was that the whole burden of the local cesses is now borne by the landlords. The income of these local cesses is spent on police, district roads, district dāk, village education, and sanitation duties the discharge of which is obligatory on every civilised Government

"In his fifth letter to Lord Curzon the late Mr. R C Dutt says :—

'It will be clear to Your Excellency that the object of fixing the revenue at fifty per cent of the rental is entirely lost if another eight or six per cent on the rental is added under the name of cesses. The "Saharapur Rules" which reduced the land revenue from sixty-six and two-thirds per cent to fifty per cent of the rental, are thus reduced to a dead letter, and the object of fixing a moderate land revenue is defeated, if the land is once more assessed with various cesses. There may be some reason for assessing the land for works which directly benefit the land, like roads and wells, but there is no reason or justice in assessing the land for schools and dispensaries. If a moderate assessment of the land be essentially necessary for the well-being of a nation of cultivators it is absolutely necessary to guard against indirectly raising that assessment to a material extent, or for purposes not directly calculated to benefit the land'

"In the memorial of December 20th, 1900, submitted to the then Secretary of State for India by Mr. R. K. Puckle, late Director of Revenue Settlement and Member of the Board of Revenue, Madras, J. H. Garstin, late member of Council Madras; J. B. Pennington, late Collector of Tanjore, Madras, H. J. Reynolds, late Revenue Secretary to the Government of Bengal, and late member of the Legislative Council of the Governor General of India; Sir Richard Garth, late Chief Justice of Bengal, Romesh C. Dutt, late officiating Commissioner of the Orissa division in Bengal and member of the Bengal Legislative Council, C. J. O'Donnell, late Commissioner of the Bhagalpur and Rajshahi divisions in Bengal, A. Rogers, late Settlement Officer and member of Council in Bombay, W. Wedderburn, late Acting Chief Secretary to the Government of Bombay, John Jardine, late Judge of the High Court of Bombay, and J. P. Goodridge, late B. C. S. and formerly officiating Settlement Commissioner, Central Provinces, the memorialists say :—

'The only hope for the cultivators throughout the greater part of India is therefore that they should be put in such a position as to enable them to tide over an occasional bad season.' 'To place the cultivators in such a position, we consider it essential that the share taken as the Government demand on the land should be strictly limited in every province. We fully agree with the views of Lord Salisbury, when Secretary of State for India, as set out in his minute of April 26, 1875.—

"So far as it is possible to change the Indian fiscal system, it is desirable that the cultivator should pay a smaller proportion of the whole national charge. It is not in itself a thrifty policy to draw the mass of revenue from the rural districts, where capital is scarce, sparing the towns, where it is often redundant, and runs to waste and luxury. The injury is exaggerated in the case of India, where so much of the revenue is exported without a direct equivalent."

"In the well-known Resolution on the Land Revenue Policy, the Government of India justify the imposition of the cesses on the ground that the aim of the local taxation is the benefit of the community. But landholders who pay cesses are not

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[Mr. Pim]

the only people who use roads and benefit by schools, dispensaries, post offices, &c. The burden of local taxation should be borne by non-cess-payers as well.

"For the above reasons I beg to second the Hon'ble Shaikh Shahid Husain's motion that the Bill be referred to a select committee."

The Hon'ble Mr. Pim said —

"Before dealing with the general suggestions which have been put forward by honourable members who have spoken on behalf of that distinguished body, the taluqdars of Oudh, I may briefly deal with a minor question which was put forward in the memorial received from the British Indian Association, namely the liability of waste land grants to the payment of cesses. It has been contended that these were transferred by the Government by means of sanads limiting the power of Government to take revenue therein and excluding the possibility of taking additional cesses or rates. On examining the original papers dealing with these waste land grants I find that the language on the subject is absolutely clear. The Secretary of State in the despatch under which the deed to which the honourable member referred laid it down as an essential principle that—to quote the words of the despatch—'it must be made perfectly clear by the terms of the grant that the claims of Government herein mentioned include only claims on account of land revenue and do not extend to exempt the possessor of the grant from general taxes such as those on income, nor from local rates which may hereafter be imposed throughout the district for the construction or maintenance of roads or for other purposes.' In accordance with these orders the standard form of deed of sale contains the provision that the lot is hereby absolved from all demands for land revenue by Government, but is liable to all general taxes and local cesses. I do not think it would be easy to make the language clearer. As regards the liability of these grants the select committee would obviously have nothing to do. The only point about which there is a little obscurity is as to what should be taken to be the method of calculating the annual value on which the cesses were to be calculated. This is entirely a separate question, and requires to be considered by comparison of the present and of previous enactments dealing with this subject, an examination which is now being undertaken. It will not in any case be affected by the changes proposed in this Bill. Taking up next the general proposal put forward by the honourable members that the zamindars of Oudh should be relieved of the chaukidari rate without any compensating addition to the local rate, a proposal supported by the Hon'ble Raja Kushalpal Singh, possibly because if such a concession is to be made in Oudh it must necessarily be made also to the landlords of Agra. The honourable member has asked the question what other particular reasons or necessities are there which make it necessary to take back what has been given? I do not think he has sufficiently taken into account the limited scope of this Bill and the conditions under which it is being introduced. As I have already explained, the intention of the Bill is to make the least possible change in existing conditions consistently with equalizing the rates levied in Oudh to those which have been levied in Agra without objection being raised for many years past. It has often been pressed upon the Government in this Council that the needs of districts in regard to education, sanitation, and communications were very great and were rapidly growing and that the resources of district boards were totally unequal to meet them. This was obviously true and the Government have pressed the same considerations on the Government of India. They represented that education was starved, communication badly kept up, and the fringe of sanitation barely touched. That, considering the rates levied in other provinces, and the limitations on provincial finances, the obvious method of meeting these difficulties would be that of enabling the Local Government to discontinue the appropriations from cesses in Agra and to equate the local rate leviable in Oudh to that now taken in Agra. After many years of effort the Government of

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[*Lala Sukhbir Singh, Khwaja Ghulam-us-Saqain, Shaikh Shahid Husain*]

India have yielded to our importunities and have sanctioned an assignment which will allow the Local Government to make these changes on the clear understanding that the resulting increase of income is to go to district boards for local purposes. This being the case, with what kind of face could the Local Government go to the Government of India and say that we now propose to devote these increased resources not to relieve the necessities of the district boards but to the assistance of a very deserving body of taluqdars of Oudh? It cannot be said that a rate of 5 per cent is a heavy one as compared with the rates levied in other provinces. The general rate levied is, I find, about one anna in the rupee or $6\frac{1}{2}$ per cent, and it is hardly necessary to explain that this represents a much heavier burden on the land in ryotwari than in zamindari tracts. The taluqdars of Oudh have shown their liberality to many causes and to many institutions. They have done this in no grudging spirit, but in full recognition of what is due from their position as that of a class who enjoy perhaps fuller rights and privileges and have been more securely protected in them than any others in the British Empire. I have no doubt that, even more in the future than in the past, they will continue to pay cheerfully the cesses, which will no longer be devoted to the purposes of maintaining the police, but to all those local services in the maintenance of which they have such an intimate interest. I must however oppose the motion of the honourable member that this Bill should be referred to a select committee, for there does not appear any need for it."

The Hon'ble LALA SUKHBIR SINGH said —

"I quite support the amendment of my friend the Hon'ble Shaikh Shahid Husain that the consideration of the Bill should be postponed and referred to a select committee. When the Government of India has been pleased to remove the 3 per cent police rate in Oudh, no case has been made out why $2\frac{1}{2}$ per cent should be added to the present cesses. The only reason given is that this will make the Oudh rates equal to those levied in the province of Agra. But that case is different. There the district boards will gain from this concession, as it is the district boards which pay the police charges and not the zamindars. But here the taluqdars themselves will gain from it, and therefore the case is not like that of Agra. First a strong case should be made out why the present $2\frac{1}{2}$ per cent should be raised. The income of district boards in Oudh will not be affected by this concession. This 3 per cent is taken from the taluqdars and they will gain from this concession. Therefore I think this Bill should be referred to a select committee for further consideration."

The Hon'ble KHAWAJA GHULAM-US-SAQAIN said —

"I want to say only one word. The suggestion of my honourable friend is very reasonable and I submit it is time that the Government should give it a favourable consideration. The case simply seems to be unanswerable. The maximum is 5 and by taxation of other classes who enjoy the benefit of it something less than the maximum need be required of the land-holding classes. I think it is fair when they pay so many taxes that some clemency should be shown to them."

The Hon'ble SHAIKH SHAHID HUSAIN said —

"I thought, Sir, that my motion about referring the Bill to a Select Committee was a very innocent one, and considering that the landholders were to be after all taxed, I thought my learned friends would be generous to this extent that the terms of the Bill should be referred to a select committee so that some of the sections which require alteration may be made perfectly clear. Every Bill of any importance that has been before this Council has been referred to the select committee. I may point out that there are certain clauses in the sections which require elucidation particularly one about under-proprietors. In fact it is clear that some amendment is required for it and I see an official amendment which has been laid on the table. There are cases of under-proprietors who do not pay any

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rent at all or rents have not been levied on them. Their case will have to be considered. I know of instances in which relations of taluqdars hold land for which they are not paying any revenue, but the taluqdar pays the revenue. They also pay no cesses up to this time not under any decree of the court or any other custom of the country, but because they have not been realized from them. That question also will have to be taken into consideration. In the same way under section 7 some additions have been made. It is useless for me to go into details because I thought when I came into Council this morning that this suggestion with regard to the matter being referred to the select committee would be accepted. Then there is section 11, which, in my opinion, is absolutely uncalled for. If the matter is referred to a select committee we may be able to do away with any trouble with regard to the collection of rates from under-proprietors. I submit that my motion be accepted by the Council."

HIS HONOUR THE PRESIDENT said —

"Gentlemen of the Council, It would obviously be a somewhat invidious thing on the part of Government to oppose a motion that a Bill should be placed before a select committee. In this particular case the main reason for our anxiety to push the Bill through is that the whole financial position of our district boards is extremely unsettled until we get a legislative backing for it. Ever since the Government of India gave the very large grants which they did in March last, we have had to go on in a very temporary hand-to-mouth method with the finances of our boards, and until this Bill is passed, the finances of the boards cannot be said to be sound or satisfactory. Even if we pass this Bill now, the time elapsing between its becoming law and the 1st of April will be extremely short. It will hardly be long enough for an overworked department to give effect to the new legislation, and to get the district board budgets passed in the form they should assume. In consequence we have to ask the Council to make a special effort to push the Bill through so as to avoid confusion and chaos in our district board accounts. I admit that even this argument would not be final if any strong reasons were adduced for the consideration of the Bill by a select committee. I have carefully listened to the speeches which have been made in favour of that motion. In the remarks of the Hon'ble Shaikh Shahid Husain about waste land I have not found any satisfactory reasons. As the Hon'ble Mr Pim has explained, these are matters which are outside the scope of the present law or the law which is now being framed in substitution for the present law. In regard to the other reasons, the honourable member specified certain verbal difficulties in clauses 8 and 11. I am afraid as matters stand, we will have to take some risk about these details. They are not matters of vital importance, the drafting has been most careful, the wording of the existing Act has been retained so far as possible, and I hardly think it is at all probable that any serious difficulties will be found in the Bill. The real reason for the motion for postponement seems to be a hope that in some way we shall be able to get off a very large lump of taxation. Although I have the greatest possible respect for, and always give the greatest possible attention to, the opinions of a weighty body like the British Indian Association, and although I should accept with equal respect any opinion emanating from the Hon'ble Raja Kushalpal Singh on behalf of the landholders of the sister province, still I feel that their remarks are based on some misconception of the whole purpose of the present measure and of its inevitable limitations. What the Government of India did in March last, when they were distributing their largesse at the budget season, was to decide that the district boards should be left in possession of the sums which used to be formerly taken from them for the payment of the village police in these provinces. What they decided to do, and what they asked us to carry out, was a transfer from provincial revenues to local revenues, compensated for by a corresponding gift to

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[His Honour the President]

the former from Imperial revenues. They did not decide and they did not ask us to carry out—and we have no power to carry out—a transfer from the Government to the pockets of the rate-payers. In some ways the proposal of the British Indian Association is an extremely attractive one. What they suggest is that we should have a new and net reduction in taxation of a very large amount. As I have said, this is impossible without the consent of the Imperial Government, and also without a further large subsidy from the Imperial Government to our provincial funds equivalent to the reduction which would otherwise fall entirely on the latter. But we cannot consider this as a matter for provincial legislation. From a selfish point of view, I should be very glad if we could. It would simplify in a very large measure our machinery for obtaining large gifts from the Imperial Government if we could sit in this Council and unanimously pass laws for the reduction of taxation. We should be in an extremely happy position indeed, but I am afraid that we should be far outside our legislative powers. I must now put the question, which is that the Bill to amend the law relating to the imposition of certain rates on land in the United Provinces, and the employment of the proceeds thereof, be referred to a select committee.”

The motion was put to the vote and rejected.

The meeting was then adjourned till 11 a. m. on Tuesday, the 2nd December, 1913.

LUCKNOW

The 1st December, 1913

}

W K PORTER,
Secretary, Legislative Council,
United Provinces.

APPENDIX I.

Statement relating to district board cattle pounds referred to in the answer to question no. 5.

| No | Heads | 1910 1911. | 1911 1912 | 1912-1913 |
|----|---|------------|-----------|-----------|
| | | Nos. | Nos | Nos |
| 1 | Total number of cattle impounded in the Province | 1,055,413 | 1,300,782 | 1,212,439 |
| 2 | The number released on payment of fines and other charges | 1,022,163 | 1,273,935 | 1,283,360 |
| | | Rs | Rs | Rs. |
| 3 | The amount of fines realized under section 13 of Act I of 1871. | 2,50,354 | 3,01,622 | 2,96,286 |
| | | Nos | Nos | Nos |
| 4 | The number sold by auction as unclaimed .. | 33,250 | 35,847 | 29,079 |
| | | Rs. | Rs | Rs. |
| 5 | The amount realized by sale of cattle .. | 2,27,917 | 2,01,954 | 2,06,672 |
| 6 | Surplus proceeds | 2,56,803 | 2,88,180 | 2,89,389 |

APPENDIX II.

PAPERS REFERRED TO IN REPLY TO QUESTION NO 6 PUT AT THE MEETING
OF 1ST DECEMBER 1913

*Letter from the Government of the United Provinces, no. 1904,
dated the 27th June 1902.*

* * * * *

4. The capital spent on an improvement having been repaid with interest during the currency of a settlement, it follows that no further claim could exist to special treatment after the expiry of that term. Nor would this Government recommend any reduction of [assessment when minor] works such as wells fall into disuse. It is the business and the interest of the land holder to renew them.

* * * * *

*Letter from the Board of Revenue, United Provinces of Agra and Oudh,
to the Government of the United Provinces, no. 474/1—508-A,
dated the 18th April 1902.*

* * * * *

4. As to the reduction of the assessment on land which has been assessed with reference to the benefit accruing to it from an irrigation work, when such work has fallen into disuse, the Senior Member doubts whether it would be expedient or practically possible to make any reduction in the assessment when minor works such as wells fall into disuse: the only effect, if it had any effect at all, would be to discourage the owner from repairing it. In any case in which the irrigation work which has fallen into disuse is on a large scale, eg a tank or embankment or a canal, so that the assets of the village are seriously affected by its destruction, an application for relief would, under our system in these Provinces, receive full attention and the revenue would be reduced, and no special provisions seem to be required.

* * * * *

*Letter from the Government of the United Provinces, no. 4132,
dated the 24th December 1906.*

8. * * * *

The first question for consideration relates to the grant of a reduction of assessment during the currency of a settlement when an improvement ceases to be of use. Paragraph 5 of the Board's letter shows the differences which obtain both in natural conditions and in the method of assessment between the United Provinces and the Punjab in this matter, and the Lieutenant-Governor considers that these differences are such as to prevent any rules similar to the Punjab rules being usefully applied to the United Provinces. Rule 5 of the Punjab rules, which provides that except with special sanction no remissions shall be given if the assessment of the estate is so distributed that persons other than those who directly benefited by the irrigation from the well would reap the benefit, thereof, would render the rules, if applied to the United Provinces, nugatory in most cases. In His Honour's opinion when a well ceases to be of use and is beyond repair, the main object to be aimed at is to get a new well built as soon as possible, and to encourage this he is prepared to recommend that in such cases an allowance should be made during the currency of the settlement by deduction from the land revenue equivalent to the allowance by deduction from the assets which would be granted at the beginning of the next term of settlement. To carry out this proposal the following rule might be added to the rules drafted by the Board.—

When during the currency of a settlement a new permanent well is constructed with the aid of a loan granted under Act XIX of 1883 or by or at the cost of landholders, and such new well replaces an old one in respect of which allowance was not made at settlement under rule 2 (of the draft rules) an estimate shall be

made of the expenditure incurred in constructing the new well, and allowance for the improvement shall be made by a reduction in the revenue by an amount equal to five per cent on the estimated expenditure

Such reduction shall take effect from the commencement of the revenue year following that in which the new well was completed, and shall continue for the remainder of the term of settlement

* * * * *

Letter from the Board of Revenue, United Provinces to the Government of the United Provinces, No 2914/N 1—508 A, dated the 10th September 1906.

* * * * *

5 The proposal to allow a reduction of revenue when an improvement ceases to be of use has next to be considered. The Board may say at once that they are opposed to the adoption of this principle in these provinces. It is based on Punjab experience, but the conditions in the Punjab are very different. In the first place there has always been a strong tendency in that province to discriminate the portion of the revenue that may be described as due to irrigation, this portion is often fluctuating in its character, and the proposal to allow a reduction when a well falls out of use may, therefore, be described as merely an extension of the ordinary revenue system. In these provinces, however, where such phrases as "land in its unirrigated aspects," "water advantage rate," and so on are unknown, it would be a difficult innovation. The unit of property, again, in the Punjab seems quite commonly to be the well (paragraphs 116 and 165 of the Punjab Settlement Manual) and in that case joint responsibility is a fiction (paragraph 438), more generally there seems to be some reason to suppose that the principle of joint responsibility had no great natural root in the Punjab and was incorporated in the revenue system there chiefly on the strength of the example set by the North-Western Provinces. The Board would say, therefore, that, both because of the system of assessment and the nature of proprietary rights, it would be exceedingly difficult in these provinces to give effect to the proposal. The amount assessed on irrigation is not known. The loss in assets might be calculated at the difference between wet and dry rates, but even this would frequently be impossible. In a considerable portion of these provinces the rental system recognises no distinction between wet and dry rates. Farther, as Mr Hooper pointed out when Commissioner of the Fyzabad Division, it is impossible to isolate the loss on a particular well or wells, there may, at the same time, have been an extension of cultivation or a rise in rates, so that the assets as a whole are higher than at settlement, and in that case there is no reason for a reduction in the revenue demand. Regard must be had then to the general assets of the mahal, a matter that is sufficiently well looked after already, or an attempt must be made to estimate the assets of a particular holding. The general difficulties that would be caused by any such attempt will be stated presently, but there are special difficulties where wells are concerned which require separate notice. These difficulties would not arise if each well with the lands attached to it were a separate unit but except in Lalitpur and a portion of Jhansi tahsil the Board are not aware that this is the case anywhere in these provinces. Where communities of small proprietors are concerned—and this is the case under consideration—the arrangements under which wells are constructed and irrigation facilities are interchanged are extremely complicated and the distribution of any reduction in revenue would be very troublesome.

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APPENDIX III.

Statement referred to in question 10.

| Judgeship. | Religion. | Principal. | Interest. | Total. | Amount decreed. | Judgeship. | Religion. | Principal. | Interest. | Total. | Amount decreed. |
|------------|-----------|------------|-------------|------------|-----------------|------------|-----------|------------|------------|------------|-----------------|
| | | Rs. a. p. | Rs. a. p. | Rs. a. p. | Rs. a. p. | | | Rs. a. p. | Rs. a. p. | Rs. a. p. | Rs. a. p. |
| | ? | 99 0 0 | 8,901 0 0 | 4,000 0 0 | 595 0 0 | | H. | 99 0 0 | .. | .. | 1,489 4 0 |
| | ? | 199 15 0 | 1,900 0 0 | 2,099 15 0 | 740 0 0 | | H. | 99 0 0 | .. | .. | 1,007 0 0 |
| | ? | 199 15 0 | 1,490 1 0 | 1,690 0 0 | 928 0 0 | Algarh | ? | 95 0 0 | .. | .. | 600 0 0 |
| | ? | 327 12 0 | 2,936 9 0 | 3,264 5 0 | 1,403 0 0* | | ? | 16 14 0 | .. | .. | 980 0 0 |
| | ? | 272 0 0 | 1,698 0 0 | 1,900 0 0 | 1,238 0 0 | | ? | 60 0 0 | .. | .. | 1,000 0 0 |
| | ? | 6,898 5 0 | 23,131 11 0 | 30,000 0 0 | 90,000 0 0 | | ? | 90 0 0 | .. | .. | 700 0 0 |
| Bombay | ? | 199 15 0 | 2,700 1 0 | 2,900 0 0 | 2,900 0 0 | | H. | 75 0 0 | 2,675 0 0 | 2,750 0 0 | 2,750 0 0 |
| | ? | 150 0 0 | 960 0 0 | 1,100 0 0 | 1,100 0 0 | | H. | 200 0 0 | 1,265 0 0 | 1,465 0 0 | 1,465 0 0 |
| | ? | 139 0 0 | 1,724 0 0 | 1,863 0 0 | 443 12 6 | | H. | 200 0 0 | 1,112 0 0 | 1,312 0 0 | 1,312 0 0 |
| | ? | 60 0 0 | 1,040 0 0 | 1,100 0 0 | 670 0 0* | | H. | 225 0 0 | 1,318 12 0 | 1,538 12 0 | 1,538 12 0 |
| | ? | 1,500 0 0 | 2,682 10 0 | 4,182 10 0 | 4,102 10 0 | C. | H. | 900 0 0 | 1,251 14 0 | 2,151 14 0 | 2,151 14 0 |
| | ? | 600 0 0 | 1,559 7 0 | 2,169 7 0 | 2,169 7 0 | | H. | 200 0 0 | 1,532 0 0 | 1,732 0 0 | 1,732 0 0 |
| | H. | 99 0 0 | .. | .. | 6,000 0 0 | | H. | 800 0 0 | 2,400 0 0 | 3,200 0 0 | 3,200 0 0 |
| | H. | .. | .. | .. | 2,069 8 4 | | H. | 900 0 0 | 1,842 6 0 | 2,742 6 0 | 2,742 6 0 |
| | M. | 100 0 0 | .. | .. | 2,120 8 0 | Agra | H. | 900 0 0 | 3,100 0 0 | 4,000 0 0 | 3,422 15 0 |
| | M. | 150 0 0 | .. | .. | 2,700 2 8 | | H. | 600 0 0 | 2,665 0 0 | 3,265 0 0 | 1,953 0 0 |
| | H. | 200 0 0 | .. | .. | 4,698 1 4 | | H. | 175 0 0 | 1,635 0 0 | 1,800 0 0 | 673 14 2 |
| | H. | 50 0 0 | .. | .. | 2,715 8 0 | | ? | 160 0 0 | 932 0 0 | 992 0 0 | 992 0 0 |
| | H. | 99 0 0 | .. | .. | 1,500 0 0 | | H. | 50 0 0 | 148 0 0 | 198 0 0 | 198 0 0 |
| | M. | 99 0 0 | .. | .. | 1,600 0 0 | | H. | 99 0 0 | 275 6 0 | 374 6 0 | 374 6 0 |
| | H. | 75 0 0 | .. | .. | 2,453 4 0 | | H. | 99 12 0 | 170 4 0 | 270 0 0 | 270 0 0 |
| | H. | 900 0 0 | .. | .. | 3,407 6 0 | | M. | 50 0 0 | 106 13 0 | 156 13 0 | 156 13 0 |
| | H. | 500 0 0 | .. | .. | 8,209 0 0 | | M. | 99 0 0 | 455 2 8 | 554 2 8 | 554 2 8 |
| | H. | .. | .. | .. | 8,209 0 0 | | M. | 99 0 0 | 157 13 6 | 206 13 6 | 226 13 6 |

* Compromised.

| | | | | | | | | | | | | |
|----|-------|---|---|-------|----|----|-------|----|----|-------|----|----|
| M | 400 | 0 | 0 | 871 | 0 | 0 | 1,821 | 0 | 0 | 2,046 | 12 | 0 |
| HI | 1,500 | 0 | 0 | 2,747 | 0 | 0 | 4,247 | 0 | 0 | 4,813 | 2 | 0 |
| ? | 50 | 0 | 0 | 236 | 0 | 0 | 286 | 0 | 0 | 286 | 0 | 0 |
| ? | 97 | 0 | 0 | 312 | 9 | 0 | 409 | 9 | 0 | 409 | 9 | 0 |
| ? | 20 | 0 | 0 | 140 | 0 | 0 | 100 | 0 | 0 | 100 | 0 | 0 |
| ? | 44 | 0 | 0 | 838 | 2 | 11 | 882 | 2 | 11 | 882 | 2 | 11 |
| ? | 10 | 0 | 0 | 470 | 0 | 0 | 570 | 0 | 0 | 570 | 0 | 0 |
| ? | 17 | 0 | 0 | 137 | 6 | 0 | 154 | 6 | 0 | 154 | 6 | 0 |
| ? | 58 | 0 | 0 | 516 | 13 | 0 | 601 | 13 | 0 | 601 | 13 | 0 |
| ? | 25 | 0 | 0 | 954 | 13 | 0 | 979 | 13 | 0 | 979 | 13 | 0 |
| ? | 16 | 0 | 0 | 293 | 0 | 0 | 293 | 0 | 0 | 312 | 0 | 0 |

Chawnpore—(contd.)

* Comprised.

APPENDIX IV

Referred to in question no. 37

No. 4227/II—310-1907 OF 1907

RESOLUTION

APPOINTMENT DEPARTMENT

Dated Narn Tal, the 24th September 1907.

OBSERVATIONS—The Lieutenant-Governor has received various suggestions for the better distribution of work among the District and Sessions Judges, the Judges of Small Cause Courts, Subordinate Judges, and the Munsifs of this province, the limits of whose jurisdiction were, in some cases, defined many years ago. The propriety of those arrangements has been affected by the alteration of local conditions, including the development of industrial centres and the improvement of communications. He is of opinion, therefore, that the time has arrived for a full examination of the question how far the present strength of the staff and the distribution of work among it satisfies the requirements and the convenience of the litigant public.

2 For this purpose His Honour is pleased to appoint a committee consisting of—

Mr. R. Gieeven, I C S,

Mr. H. N. Wright, I C S, and

Babu Daya Nath, Subordinate Judge,

to assemble at Allahabad on or as soon as may be after the 26th of October 1907. The Committee will pursue its enquiries by visiting as many districts as may be necessary and there ascertaining on the spot, in consultation with local officers, the wishes of the public, and it will submit to the Government a report embodying such suggestions as may arise upon such investigation for the redistribution of the work of the courts and, if necessary, for the increase of the judicial establishment. Particular attention should be paid to the question whether, without danger of impairing the public confidence in the courts, their time may be economized by simplification of procedure, more especially by the grant of summary powers.

3 The Committee will not be required to attempt any comprehensive enquiry into the working of ministerial establishments, which have recently undergone a general revision. It will, however, examine any proposal which may be brought to its notice for the removal of any substantial defect, and in this connection His Honour more particularly desires an investigation of the propriety of the system (discontinued in Bengal) under which unpaid apprentices are still employed, in this Province, in offices of civil courts.

ORDER.—Ordered that this resolution be published in the *United Provinces of Agra and Oudh Government Gazette* and be communicated to the Members of the Committee, the Registrar, High Court of Judicature for the North-Western Provinces, the Registrar, Court of the Judicial Commissioner of Oudh, and all Commissioners of divisions, District Judges, and Magistrates of districts, United Provinces of Agra and Oudh.

By order &c.,

J. M. HOLMS,

Chief Secy to Govt., United Provinces

APPENDIX V.

*Referred to in question 39**Rules for the appointment, grading and promotion of departmental sub registrars*

1 All sub-registrars will remain on probation from the date of their appointment until they are confirmed as sub-registrars by the Inspector-General of Registration. The period spent on probation shall not be less than two years

2 A probationary sub-registrar will not be confirmed until he satisfies the Inspector-General of Registration of his fitness for permanent appointment

3 A probationary sub-registrar will be removed if he fails to pass the prescribed departmental examination within two years of the date of his appointment unless he can prove that failure to pass the examination has been due to serious illness or other sufficient reason, in which case he may be given an extension of not more than one year

4 At any time before confirmation a probationary sub-registrar may be removed if he has failed to give satisfaction

5 The pay of sub-registrars is personal and does not depend on the offices to which they are posted. This rule applies to all sub-registrars except those who elected, in the year 1910, to remain under the commission system. Personal allowances to certain sub-registrars sanctioned in the year 1910 will be continued subject to the conditions then laid down. The following are the grades and pay of sub-registrars —

| | | | | | P. y. Rs. |
|-----------|----|----|----|----|----------------|
| 1st grade | .. | . | . | . | 225 per mensem |
| 2nd " | | . | | | 200 " " |
| 3rd " | | . | | | 175 " " |
| 4th " | . | . | . | . | 150 " " |
| 5th " | | .. | . | | 125 " " |
| 6th " | .. | . | .. | .. | 100 " " |
| 7th " | .. | .. | .. | . | 90 " " |
| 8th " | .. | .. | . | .. | 80 " " |
| 9th " | .. | . | . | .. | 70 " " |
| 10th " | | .. | .. | .. | 60 " " |
| 11th " | .. | .. | .. | .. | 50 " " |

The number of sub-registrars in each grade will be as determined by the Local Government from time to time

6 On his first appointment a sub-registrar will not ordinarily be put in charge of an office. He will be posted to one of the principal registration circles, to learn work and be available for filling temporary vacancies. When not officiating in leave or other vacancies he will assist the sub-registrar of the head quarters office, or other office in the circle to which the District Registrar may post him. He will exercise the powers prescribed for a joint sub-registrar working in the office of a chief sub-registrar.

7. On his first appointment a sub-registrar will ordinarily be placed at the bottom of the lowest grade.

His seniority will count from the date of his appointment.

A sub-registrar appointed on account of approved Government service in another department may be placed in any position in any grade. His future position and promotion will be regulated as if he were entitled by seniority to that position at the time of appointment.

8 A sub-registrar may be reduced to a lower grade for misconduct or neglect of duty. On reduction he will be placed at the head of the grade to which he is reduced, but he will not be eligible for promotion for at least two years, and until, in the opinion of the Inspector-General of Registration, his conduct and work fit him for promotion. He may then be placed in any position in the next higher grade, provided that he is not placed above sub-registrars senior in service to

himself who have not been degraded as a punishment His future position and promotion will be regulated as if he were entitled by seniority, at the time of re-promotion, to the position in which he is placed

9 Subject to the provisions of rules 7 and 8, the position of sub-registrars within each grade will be determined solely by seniority in service as sub-registrar, and without reference to seniority in the grade

10 When a vacancy occurs in any but the lowest grade, it will be filled by promoting the senior sub-registrar in the next lower grade, subject to the following exceptions —

- (1) Vacancies in the first four grades will be filled by selection A sub-registrar promoted into one of these grades will ordinarily hold charge of one of the four offices held by the sub-registrars of these grades in the year 1910

Vacancies in the 5th grade will ordinarily be filled by selection

- (2) No sub-registrar will be promoted into a higher grade unless, in the opinion of the Inspector-General of Registration, his conduct and work entitle him to promotion into that grade.

11 When a sub-registrar is promoted into a higher grade his position in that grade will be immediately above that of the sub-registrar in the grade who is next junior to him in service and who has not been degraded as a punishment

12 A sub-registrar who has been promoted into a higher grade subsequently to 1st April 1910, or who may in future be promoted into a higher grade, will not be entitled, solely on account of seniority, to promotion into a still higher grade until he has served in the intermediate grade for at least two years.

13 When on account of his having been placed, in the year 1910, in a position higher than that to which his seniority entitled him, a sub-registrar remains in a particular grade for a period of over 10 years the Local Government may sanction a personal allowance of Rs. 10 per mensem, subject to the following conditions —

- (1) The allowance will be sanctioned only as a reward for approved service, and not as a right. It may be discontinued by order of the Local Government at any time if the sub-registrar's work or conduct ceases to be satisfactory.
- (2) the allowance will cease when the sub-registrar is promoted into a higher grade
- (3) It may be renewed at any time when the sub-registrar has had no increase in pay, including allowance, for a period of ten years
- (4) No allowance may be drawn under this rule by a sub-registrar in a grade higher than the Rs 90 grade.

14 If a sub-registrar who elected, in the year 1910, to remain under the commission system is transferred to another office, he will be given the option of remaining under that system, or of drawing the pay of the grade in which he is at present placed together with such personal allowance, if any, as he was offered in the year 1910.

If he has had grade promotion since the year 1910, the personal allowance will be reduced in accordance with the rules sanctioned in that year. His position in the grade will thenceforward be regulated by his seniority, and he will be entitled to promotion, or liable to grade reduction, in accordance with these rules. If the transfer is made on account of bad work or misconduct, grade reduction may be ordered at the same or any subsequent time.

15. Gradings, promotions and reductions will be regulated by the Inspector-General of Registration in accordance with these rules.

APPENDIX VI.
Referred to in Question No. 40.
Graduation List of Sub-Registrars in the United Provinces as it stood on 1st September, 1913.

| Number. | Name of Sub-Registrar. | Sub-district and district in which employed. | | Date of appointment-Sub-Registrar. | Date of posting to present sub-district. | Date of promotion to present grade. | Remarks. |
|---------|----------------------------------|--|----------------|------------------------------------|--|-------------------------------------|---|
| | | Sub-district. | District. | | | | |
| | <i>Rs. 225 grade, 1 post.</i> | | | | | | |
| 1 | Bai Buland Bai.. | Benares .. | Benares .. | 30th September 1895 | 1st April 1903 | 1st April 1910 | Draws Rs. 45 as personal allowance. |
| | <i>Rs. 200 grade, 1 post.</i> | | | | | | |
| 1 | B. Bishanwar Nath Bhargava, B.A. | Lucknow .. | Lucknow .. | 5th February 1896 | Ditto | Ditto. | |
| | <i>Rs. 175 grade, 1 post.</i> | | | | | | |
| 1 | Mr. J. A. S. Ellis | Allahabad .. | Allahabad .. | 1st April 1902 | 1st April 1902 | 1st April 1902 | Elected to remain under the old scheme. Pay Rs. 100 plus commission fees. |
| | <i>Rs. 150 grade, 1 post.</i> | | | | | | |
| 1 | Pandit Sumar Nath | Cawnpore .. | Cawnpore .. | 2nd October 1897 | 1st April 1903 | 1st April 1910 | |
| | <i>Rs. 125 grade, 5 posts.</i> | | | | | | |
| 1 | M. Mustafa Ali .. | Aligarh .. | Aligarh .. | 30th May 1893 | 25th July 1913 | 1st September 1910. | |
| 2 | M. Muhammad Said | Mirzapur .. | Mirzapur .. | 4th July 1892 | 21st July 1913 | 1st April 1919. | |
| 3 | M. Tufail Ahmad | Boothoe .. | Sahasganj .. | 12th September 1894 | 15th August 1913 | Ditto. | |
| 4 | M. Salig Ram I | Shahabad .. | Hardoi .. | 1st January 1895 | 10th April 1911 | 1st June 1912. | |
| 5 | M. Ashraf Husain | Hathras .. | Aligarh .. | 21st February 1912 | 30th July 1912 | 21st February 1912. | |
| | <i>Rs. 100 grade, 4 posts.</i> | | | | | | |
| 1 | M. Nurul Hasan | Munshiganj .. | Munshiganj .. | 7th July 1896 | 30th November 1909 | 1st April 1910 | Draws Rs. 10 as personal allowance. |
| 2 | Faughit Hirday Nanyan I .. | Sahasganj .. | Sahasganj .. | 31st August 1898 | 1st April 1912 | 1st April 1912 | Draws Rs. 6 as personal allowance. |
| 3 | B. Kishan Narain | Kaimganj .. | Farrukhabad .. | 16th November 1900 | 6th August 1912 | 1st June 1912 | Ditto. |
| 4 | M. Sarfaraz Khan | .. | .. | 19th January 1902 | .. | 1st April 1910 | On furlough. |
| | <i>Rs. 90 grade, 15 posts.</i> | | | | | | |
| 1 | M. Musammod Isahq | Ekurje .. | Bulandshahr .. | 1st January 1890 | 17th July 1909 | 1st April 1910. | |
| 2 | M. Umar Ali .. | Farrukhabad .. | Farrukhabad .. | 24th September 1891 | 24th September 1891 | 13th May 1913. | |

Graduation List of Sub-Registrars in the United Provinces as it stood on 1st September 1913—(continued).

| Number | Name of Sub Registrar | Sub-district and district in which employed | | Date of appointment as Sub-Registrar | Date of posting to present sub-district | Date of promotion to present grade | Remarks |
|--------|---|---|-----------------|--------------------------------------|---|------------------------------------|---|
| | | Sub-district | District | | | | |
| | <i>Rs. 80 grade, 15 posts—(concluded)</i> | | | | | | |
| 3 | M. Abdus Samad .. | Agra .. | Agra .. | 2nd November 1892 | 30th November 1897 | 2nd November 1899 | Elected to remain under the old scheme Pay Rs. 80 plus commission |
| 4 | M. Zahur ul-Hasan .. | Ghazabad .. | Meerut .. | 28th April 1894 | 24th November 1904 | 1st April 1910 | Draws Rs. 15 as personal allowance |
| 5 | M. Muhammad Usman .. | Sultampur .. | Sultampur .. | 20th July 1894 | 13th July 1913 | Ditto | |
| 6 | M. Asad Khan Bahya Lal .. | Bulandshahr .. | Bulandshahr .. | Ditto | 7th July 1913 | Ditto | |
| 7 | M. Sayid Akbar .. | Sitaulia Rao .. | Aligarh .. | 11th December 1894 | 1st February 1913 | 1st February 1913 | Draws Rs. 10 as personal allowance |
| 8 | M. Muhammad Zaki .. | Deoria .. | Gorakhpur .. | 27th November 1895 | 4th August 1908 | 1st April 1910 | |
| 9 | M. Abdul Hasan .. | Gorakhpur .. | Ditto .. | 8th July 1896 | 16th July 1913 | Ditto | |
| 10 | M. Tams Ali .. | Amroha .. | Meerut .. | 14th August 1896 | 19th November 1910 | 1st April 1912 | |
| 11 | M. Pandit Mahadeo Malviya .. | Jaunpur .. | Jaunpur .. | 31st March 1898 | 4th May 1905 | 1st April 1910 | |
| 12 | M. Pandit Devi Prasad .. | Dudhna .. | Muzaffargarh .. | 26th March 1899 | 3rd September 1913 | Ditto | Draws Rs. 10 as personal allowance |
| 13 | M. Wazir ul-Hasan .. | Barilly .. | Barilly .. | 14th April 1899 | 4th January 1913 | Ditto | |
| 14 | M. Zaid-ud-din .. | Fyzabad .. | Fyzabad .. | 14th April 1901 | 2nd September 1913 | Ditto | |
| 15 | M. Raj Bahari Lal .. | Aligarh .. | Aligarh .. | 1st July 1913 | 1st July 1913 | 1st July 1913 | Probationer |
| | <i>Rs. 60 grade, 20 posts</i> | | | | | | |
| 1 | M. Shao Bahar Lal .. | Akbarpur .. | Fyzabad .. | 23rd August 1899 | 17th July 1913 | 2nd February 1913 | |
| 2 | M. Ghulam Nabi .. | Safipur .. | Unao .. | 13th June 1901 | 30th July 1913 | 22nd October 1913 | |
| 3 | M. Ram Sanyal .. | Manjhanpur .. | Allahabad .. | 27th September 1893 | | 1st April 1913 | On leave |
| 4 | M. G. W. MacLean .. | Haidar .. | Haidar .. | 8th September 1894 | 25th April 1905 | 1st April 1910 | |
| 5 | M. Muhammad Faruq .. | Buda .. | Buda .. | 9th April 1895 | 31st May 1906 | Ditto | |
| 6 | M. Alizal Hussain .. | Etaah .. | Etaah .. | 23rd July 1895 | 16th April 1901 | 1st April 1912 | |

| | | | | | | | | | | |
|----|---------------------------|----|--------------|----|-------------|----|---------------------|---------------------|---------------------|--|
| 7 | M. Saadat Ali Khan | .. | Khair | .. | Algaah | .. | 4th November 1895 | 23rd May 1908 | 11th September 1913 | 13th May 1913 |
| 8 | M. Ram Prasad | .. | Chandaul | .. | Moradabad | .. | 16th November 1895 | 11th September 1913 | 1st September 1913 | |
| 9 | M. Babbar Lal | .. | Etah | .. | Etah | .. | 1st December 1895 | 18th November 1912 | 1st June 1912 | |
| 10 | M. Ali Ahmed | .. | Baan | .. | Basti | .. | 3rd December 1895 | 18th July 1913 | 1st April 1910 | |
| 11 | M. Sri Ram | .. | Anupahar | .. | Bulandshahr | .. | 9th December 1895 | 10th November 1902 | Ditto | |
| 12 | Pandit Kedar Nath | .. | Moradabad | .. | Moradabad | .. | 5th September 1898 | 28th August 1913 | Ditto | |
| 13 | M. Bahur-ullah Khan | .. | Bangwan | .. | Gorakhpur | .. | 1st April 1899 | 30th August 1918 | 1st September 1910 | |
| 14 | M. Gorakh Prasad | .. | Harnaya | .. | Basti | .. | 29th April 1899 | 14th August 1913 | 1st April 1910 | |
| 15 | M. Gopal Singh Rawat | .. | Ramkhet | .. | Almora | .. | 27th February 1900 | 27th July 1913 | Ditto | |
| 16 | M. Ulfat Rai | .. | Balla | .. | Balla | .. | 1st April 1900 | 19th July 1913 | Ditto | |
| 17 | M. Taseedung Husain | .. | Sikandrabad | .. | Bulandshahr | .. | 24th September 1902 | 15th August 1909 | Ditto | |
| 18 | Pandit Buda Chanan Tiwari | .. | Sardhana | .. | Meerut | .. | 21st May 1903 | 23rd April 1909 | Ditto | |
| 19 | M. Akbar Husain | .. | Ghasampun | .. | Cawnpore | .. | 1st April 1904 | 10th July 1913 | Ditto | |
| 20 | B. Jayant Prasad | .. | Marrahu | .. | Jaunpur | .. | 6th April 1908 | 10th July 1909 | 14th March 1912 | |
| 1 | B. Banke Bihari Lal | .. | Jalaun | .. | Jalaun | .. | 25th May 1900 | 31st March 1913 | 1st September 1913 | Reduced from Rs. 80 grade, not eligible for promotion until 1st September 1915 |
| 2 | M. Ja Gohnd | .. | Mahul | .. | Amargarh | .. | 30th November 1877 | 10th December 1906 | 2nd February 1912 | |
| 3 | M. Iqas Husain | .. | Unao | .. | Unao | .. | 16th December 1891 | 19th July 1901 | 1st September 1913 | |
| 4 | M. Abdul Ahad | .. | Bahraich | .. | Bahraich | .. | 30th March 1892 | 27th January 1907 | 22nd October 1912 | |
| 5 | M. Fido Husain | .. | Lakhimpun | .. | Kheri | .. | 1st August 1892 | 11th May 1905 | 31st October 1912 | |
| 6 | B. Samra, Lal | .. | Chandauli | .. | Banases | .. | 23th November 1895 | 4th August 1913 | 1st April 1910 | |
| 7 | B. Bhanu Lal | .. | Muttia | .. | Muttia | .. | 23th November 1895 | 17th July 1909 | Ditto | |
| 8 | M. Iftad ulah Khan | .. | Ghaspur | .. | Ghaspur | .. | 1st December 1895 | 14th November 1907 | Ditto | |
| 9 | M. Qamar-ud din | .. | Shahganj | .. | Jaunpur | .. | 2nd Jan ry 1896 | 25th November 1912 | Ditto | |
| 10 | M. Ahmad Husain | .. | Mubammurabad | .. | Ghaspur | .. | 6th June 1896 | 25th March 1913 | 28th December 1912 | |
| 11 | M. Malkhan Singh | .. | Ahauri | .. | Aligarh | .. | 23th September 1895 | 1st April 1912 | 1st April 1913 | |

Is 70 grade, 40 posts

Graduation List of Sub-Registrars in the United Provinces as it stood on 1st September 1913—(continued)

| Number | Name of Sub-Registrar | Sub-district and district in which employed | | Date of appointment as Sub-registrar | Date of posting to present sub-district | Date of promotion to present grade | Remarks |
|--------|--|---|--------------|--------------------------------------|---|------------------------------------|----------|
| | | Sub-district | District | | | | |
| | <i>Rs 70 grade, 40 posts—(concluded)</i> | | | | | | |
| 13 | M Inam-ullah Khan | Bansdih | Ballia | 10th December 1896. | 6th August 1913 | 7th May 1913 | |
| 13 | M Murtaza Hussain | Kaserganj | Bahraich | 1st February 1897 | 25th April 1905 | 13th May 1913 | |
| 14 | M Fayaz Ali | Haseanguj | Unao | 28th September 1897 | . | 1st April 1910 | On leave |
| 15 | B Ambika Sahai | Navabganj | Bara Banka | 1st October 1897 | 1st April 1912 | . | |
| 16 | M Jagdamba Prasad | Tilhar | Shahjahanpur | Ditto | Ditto | . | |
| 17 | M Bhan Lal | Dumraiganj | Basti | 16th October 1897 | . | 1st September 1910 | |
| 18 | M Wazir-ud-din | Budaun | Budaun | 9th April 1898 | 7th August 1913 | 1st April 1910 | |
| 19 | B Brij Ballabh Kishore | Bikapur | Fyzabad | 28rd May 1899 | 28th September 1911 | 1st September 1910 | |
| 20 | M Mahmud Khan | Iglas | Aligarh | 6th September 1899 | 28th June 1911 | 1st April 1910 | |
| 21 | Pt Hinday Narain II | Shahjahanpur | Shahjahanpur | 14th June 1900 | . | Ditto | On leave |
| 22 | M Ahsan Ali | Manikpur | Gonda | 21st November 1900 | 1st June 1907 | Ditto | |
| 23 | K Muhammad Jamil Ullah Khan | Tanda | Fyzabad | 2nd January 1901 | 1st August 1913 | Ditto | |
| 24 | B Raghubar Dayal Sainpath | Zamania | Ghazipur | 23rd March 1901 | 15th April 1907 | Ditto | |
| 25 | M, Muhammad Maham | Masikh | Sitapur | 25th March 1901 | . | Ditto | |
| 26 | M Muhammad Wesa | Sagri | Azamgarh | 1st August 1901 | 19th September 1910 | Ditto | |
| 27 | M Ubaid-ullah Fazlata | Naguna | Bijnor | 7th August 1901 | 20th December 1906 | Ditto | |
| 28 | Mr B V Hughes | Dehra Dun | Dehra Dun | 1st November 1901 | 1st November 1901 | Ditto | |
| 29 | M Abdus Samad, II | Najibabad | Bijnor | 6th November 1902 | 4th April 1911 | Ditto | |
| 30 | M Laddi Prasad | Deoband | Saharanpur | 8rd April 1903 | 14th January 1913 | Ditto | |
| 31 | M Zawal Haq | Bijnor | Bijnor | 1st May 1903 | 9th January 1909 | Ditto | |
| 32 | M, Abd Ali Khan | Padrauna | Gorakhpur | 4th January 1904 | 1st July 1911 | 14th March 1913. | |

| | | | | | | | | | | |
|-------------------------|------------------------|----|----|----|----|---------------------|----|----------------------|----|---------------------|
| 33 | M. Mahmud Hasan | .. | .. | .. | .. | 12th March 1904 | .. | 16th January 1913 | .. | 1st April 1910. |
| 34 | M. Fatah Ali Khan | .. | .. | .. | .. | 15th March 1904 | .. | 10th January 1913 | .. | 1st April 1912. |
| 35 | M. Akbar Maqda | .. | .. | .. | .. | 1st May 1904 | .. | 19th September 1912 | .. | Ditto. |
| 36 | M. R. Rimoon | .. | .. | .. | .. | 23rd May 1905 | .. | 23rd January 1913 | .. | 1st April 1910. |
| 37 | M. Amba Prasad | .. | .. | .. | .. | 19th April 1906 | .. | 17th December 1906.. | .. | 1st April 1912. |
| 38 | M. Siba Lal | .. | .. | .. | .. | 11th July 1906 | .. | 4th August 1913 | .. | 1st April 1910 |
| 39 | M. Ashiq Hussain | .. | .. | .. | .. | 27th April 1909 | .. | 1st April 1913 | .. | Ditto. |
| 40 | M. Abdul Hasan Khan | .. | .. | .. | .. | 10th February 1910 | .. | 27th February 1912 | .. | 1st June 1912. |
| Rs. 60 grade, 50 posts. | | | | | | | | | | |
| 1 | M. Baldeo Sahai | .. | .. | .. | .. | 4th September 1890 | .. | 2nd January 1909 | .. | 1st April 1910. |
| 2 | M. Alid Hussain | .. | .. | .. | .. | 27th February 1892 | .. | 18th August 1913 | .. | Ditto. |
| 3 | M. Mazharul Haq | .. | .. | .. | .. | 27th June 1892 | .. | 15th August 1909 | .. | 2nd February 1912. |
| 4 | M. Abdul Hamid Khan | .. | .. | .. | .. | 14th September 1893 | .. | 1st April 1912 | .. | 1st September 1912. |
| 5 | M. Tabarak-Jullah | .. | .. | .. | .. | 2nd December 1899 | .. | 12th August 1913 | .. | 1st April 1910. |
| 6 | M. Mui Chand | .. | .. | .. | .. | 19th January 1895 | .. | 26th March 1911 | .. | Ditto. |
| 7 | Musabhan Khan | .. | .. | .. | .. | 14th November 1896 | .. | 14th February 1913 | .. | Ditto. |
| 8 | M. Abdul Ahim | .. | .. | .. | .. | 28th October 1897 | .. | 6th September 1908 | .. | Ditto |
| 9 | M. Mahabir Lal | .. | .. | .. | .. | 2nd December 1897 | .. | 30th June 1905 | .. | 20th October 1913. |
| 10 | M. Asim-Uddin | .. | .. | .. | .. | 2nd January 1900 | .. | 26th July 1913 | .. | 1st April 1910. |
| 11 | M. Badri Prasad | .. | .. | .. | .. | 20th March 1901 | .. | 10th January 1907 | .. | 1st February 1912. |
| 12 | M. Riyaz-ul-lah Khan | .. | .. | .. | .. | 9th April 1901 | .. | 9th April 1901 | .. | 22nd October 1912. |
| 13 | M. Abdul Qadir Khan | .. | .. | .. | .. | 14th August 1901 | .. | 22nd July 1913 | .. | 1st April 1910. |
| 14 | M. Hidayat-ul-lah Khan | .. | .. | .. | .. | 20th August 1901 | .. | 17th January 1913 | .. | 31st October 1912. |
| 15 | M. Asam Ali Shah | .. | .. | .. | .. | 26th March 1902 | .. | 31st July 1913 | .. | 28th December 1912. |
| 16 | M. Gobind Ram | .. | .. | .. | .. | 1st April 1902 | .. | 18th November 1912.. | .. | 1st April 1910. |
| 17 | M. Amin-ud-din Ashraf | .. | .. | .. | .. | 2nd April 1902 | .. | 20th January 1913 | .. | Ditto. |
| 18 | M. Mammat-ul-lah Khan | .. | .. | .. | .. | 12th October 1902 | .. | 5th November 1913 | .. | 1st January 1911. |

Graduation List of Sub-Registrars in the United Provinces as it stood on 1st September 1913 — (continued)]

| Number. | Name of Sub-Registrar. | Sub district and district in which employed | | Date of appointment to Sub-Registrar | Date of posting to present sub district | Date of promotion to present grade. | Remarks |
|-----------------------------------|----------------------------|---|--------------|--------------------------------------|---|-------------------------------------|---------|
| | | Sub district | District | | | | |
| Rs 60 grade, 50 posts (continued) | | | | | | | |
| 19 | M Banko Lal | Hapur | Meerut | 6th November 1902 | 15th April 1913 | 1st April 1910 | |
| 20 | M Sher Singh | Bisalpur | Pilibhit | 13th January 1903 | 24th August 1913 | Ditto | |
| 21 | Pt Kuldip Narayan | Pilibhit | Ditto | 1st June 1903 | 1st April 1913 | 1st September 1911 | |
| 22 | M Narayan Das | Sahaswan | Budaun | 21st June 1903 | 9th September 1913 | 1st April 1910 | |
| 23 | M Kailash Bhatt | Munsafikhan | Sultapur | 16th June 1904 | 17th April 1909 | Ditto | |
| 24 | M Karamat Hussain | Amethi | Ditto | 1st July 1904 | 13th April 1913 | Ditto | |
| 25 | M Gobind Sahu | Sidhaul | Sitapur | 24th July 1904 | 25th August 1905 | 1st April 1913 | |
| 26 | P Durga Prasad | Budrahan | Muttra | 9th April 1905 | 8th August 1913 | 1st April 1910 | |
| 27 | M Sray Ahmad | Kasganj | Etah | 14th April 1905 | 9th May 1913 | 7th May 1913 | |
| 28 | M Ghulam Mashhood | Chhibaman | Farrukhabad | 16th April 1905 | 24th July 1913 | 1st April 1910 | |
| 29 | Pt Leobhman Prasad Awasthi | Bhagwanpura | Unao | 24th October 1905 | 11th April 1913 | 17th July 1913 | |
| 30 | M Dwarka Prasad | Dalmau | Rae Bareilly | 1st November 1905 | 18th March 1913 | 1st September 1910 | |
| 31 | M Tika Ram | Akbarpur | Cawnpore | 2nd November 1905 | 9th June 1913 | 1st April 1910 | |
| 32 | M Joti Sarup | Khanagah | Agra | 28th January 1906 | 23rd January 1906 | Ditto | |
| 33 | M Faiz Ahmad | Dilhaui | Cawnpore | 18th February 1906 | 19th March 1913 | Ditto | |
| 34 | M Kanhaiya Lal, II | Bawan | Sitapur | 24th February 1906 | 22nd June 1909 | 1st September 1911 | |
| 35 | M Ashraf-ullah, B A | Bennas (joint) | Bennas | 12th April 1906 | 19th January 1912 | 1st April 1910 | |
| 36 | M Asad-ud-din Pirzada | Kaoh | Agra | 27th April 1906 | 27th April 1906 | 1st June 1912, | |
| 37 | M Hussain Das | Manpur | Manpur | 17th July 1906 | 4th September 1911 | 1st April 1910 | |
| 38 | M Umesh Charan Singh | Korakot | Jaunpur | 10th January 1907 | 25th July 1913 | 14th March 1912. | |

| | | | | | | |
|-------------------------|------------------------|-----------------|------------------|-----------------------|------------------------|---------------------|
| 39 | M. Abdul Jali.. | Sodabad .. | Muttra .. | 19th July 1907 .. | 17th July 1913 .. | 1st September 1910. |
| 40 | M. Bhagwati Prasad | Taragaraj .. | Gonda .. | 29th August 1907 .. | 29th September 1911 .. | 1st August 1912. |
| 41 | M. Alexander Husain | Jalesar .. | Ethak .. | 2nd May 1908 .. | 9th August 1908 .. | 1st April 1910. |
| 42 | M. Amba Sadai | Roe Bareli .. | Roe Bareli .. | 26th November 1908 .. | 10th July 1913 .. | 1st April 1912. |
| 43 | M. Uma Shankar | Kairana .. | Muzaffarnagar .. | 16th January 1909 .. | 21st August 1913 .. | Ditto. |
| 44 | M. Muhammad Twaha | Bharthna .. | Etiawah .. | 10th February 1909 .. | 1st April 1912 .. | 1st April 1910. |
| 45 | M. Ajmal Wahid .. | Banda .. | Banda .. | 29th February 1909 .. | 31st March 1912 .. | 1st April 1912. |
| 46 | M. Saig Ram, II .. | Fatehpur .. | Fatehpur .. | 16th March 1909 .. | 18th July 1913 .. | 1st April 1910. |
| 47 | Kh. Qam-ud-din .. | Chunar .. | Mirzapur .. | 26th April 1909 .. | 12th November 1912 .. | 1st April 1912. |
| 48 | M. Sayid Hasnain .. | Rasra .. | Balla .. | 10th July 1909 .. | 31st October 1910 .. | 1st April 1910. |
| 49 | M. Muhammad Hasan Khan | Ramsanbighat .. | Bare Bareli .. | 14th July 1909 .. | 14th July 1909 .. | 1st April 1913. |
| 50 | M. Amir Husain .. | Ghaziपुर .. | Ghaziपुर .. | | | |
| Es. 50 grade, 80 posts. | | | | | | |
| 1 | B. Parbhu Dayal .. | Bhinga .. | Bahraich .. | 17th November 1897 .. | 25th June 1907 .. | 1st April 1910. |
| 2 | M. Abdul Aziz .. | Kunda .. | Parbhagach .. | 26th January 1906 .. | 30th November 1911 .. | Ditto. |
| 3 | M. Bashir Ahmad .. | Sandila .. | Harid .. | 21st May 1906 .. | 2nd January 1912 .. | Ditto. |
| 4 | M. Izzat Husain .. | Sambhal .. | Moradabad .. | 28th May 1906 .. | 18th April 1913 .. | Ditto. |
| 5 | M. Madan Gopal .. | Rudauli .. | Bare Bareli .. | 18th June 1906 .. | 20th April 1913 .. | Ditto. |
| 6 | M. Faiz Ali .. | Phulpur .. | Alahabad .. | 4th January 1907 .. | 2nd June 1909 .. | Ditto. |
| 7 | M. Gajpat Rai .. | Kasba .. | Mainpuri .. | 5th January 1907 .. | 22nd August 1911 .. | Ditto. |
| 8 | M. Nazir Ahmad .. | Khaga .. | Fatehpur .. | 12th January 1907 .. | 2nd January 1913 .. | Ditto. |
| 9 | M. Lal Bahadur .. | Mawana .. | Meerut .. | 12th February 1907 .. | 9th August 1913 .. | Ditto. |
| 10 | M. Bindra Ben Bihari | Almora .. | Almora .. | 4th March 1907 .. | 30th April 1911 .. | Ditto. |
| 11 | M. Shah Ali Haider | Nawabganj .. | Bareilly .. | 19th March 1907 .. | 24th September 1908 .. | Ditto. |
| 12 | M. Shams-ud-din .. | Aonla .. | Ditto .. | 17th April 1907 .. | 11th February 1913 .. | Ditto. |
| 13 | M. Radhika Prasad | Jagdishpur .. | Sulempur .. | 17th May 1907 .. | 18th April 1910 .. | Ditto. |
| 14 | M. Jamna Shankar | Bilari .. | Moradabad .. | 8th August 1907 .. | 1st April 1911 .. | Ditto. |

Probationer.

Graduation List of Sub-Registrars in the United Provinces as it stood on 1st September 1913 — (continued)

| Number | Name of Sub Registrar | Sub-district and district in which employed | | Date of appointment as Sub Registrar | Date of posting to present sub district | Date of promotion to present grade | Remarks |
|--------|--|---|-----------------|--------------------------------------|---|------------------------------------|------------------|
| | | Sub district | District | | | | |
| | <i>Rs 50 grade, 80 posts—(continued)</i> | | | | | | |
| 15 | M. Irfad Husam Khan .. | Borton .. | Allahabad .. | 12th August 1907 .. | 10th November 1909 .. | 1st April 1910 | |
| 16 | M. Fauz Hasan Bulgram .. | Daryabad .. | Bara Bank .. | 7th February 1909 .. | 23rd April 1913 .. | Ditto | |
| 17 | M. Mata Prasad .. | Jhansi .. | Jhansi .. | 12th April 1908 .. | 17th April 1913 .. | Ditto | |
| 18 | M. Kirban Lal .. | Balrampur .. | Gonda .. | 15th April 1908 .. | 16th April 1908 .. | Ditto | |
| 19 | M. Pura Lal .. | Mohanlalgarh .. | Lucknow .. | 5th May 1908 .. | 6th May 1908 .. | Ditto | |
| 20 | M. Habibul Haq .. | Kadiapur .. | Sultanpur .. | 26th May 1908 .. | .. | Ditto | |
| 21 | M. Farukh Beg .. | Saudi .. | Hardoi .. | 2nd March 1909 .. | 11th November 1913 .. | Ditto | |
| 22 | M. Ahmad Sharif .. | Mahmudabad .. | Sitapur .. | 6th March 1909 .. | 26th March 1911 .. | Ditto | |
| 23 | M. Shams Narayan Khanna .. | Kashipur .. | Noun Tal .. | 26th May 1909 .. | 12th September 1913 .. | Ditto | |
| 24 | P. Bhagwat Shankar Misra .. | Fatehabad .. | Agra .. | 10th June 1909 .. | 2nd May 1913 .. | Ditto | |
| 25 | M. Nurul Hasan .. | Hamidia .. | Allahabad .. | 13th September 1910 .. | 17th September 1913 .. | 13th September 1910 | |
| 26 | M. Mahmud Hasan, B A .. | Ohhaka .. | Muttra .. | 16th September 1910 .. | 26th July 1913 .. | 16th September 1910 | |
| 27 | B. Har Prasad .. | Sadpur .. | Ghazipur .. | 30th September 1910 .. | 4th July 1911 .. | 30th September 1910 | |
| 28 | M. Gobind Sarup .. | Aligarh .. | Farrukhabad .. | 1st October 1910 .. | 15th January 1912 .. | 1st October 1910 | |
| 29 | M. Mrs. Mahmud Beg .. | Nanpara .. | Bahraich .. | Ditto .. | 18th July 1913 .. | Ditto | |
| 30 | B. Beghbar Dayal Varma, B A .. | Jalalabad .. | Shahjahanpur .. | Ditto .. | 20th November 1913 .. | Ditto | |
| 31 | M. Muhammad Sharif .. | Hata .. | Gorakhpur .. | Ditto .. | 1st October 1910 .. | Ditto | |
| 32 | M. Bahul Lal .. | Jalalpur .. | Fyzabad .. | Ditto .. | 1st August 1913 .. | Ditto | |
| 33 | M. Atma Prasad .. | Fardpur .. | Bareilly .. | Ditto .. | .. | Ditto | |
| 34 | Sayid Muhammad Eladar .. | Khajuria .. | Fatehpur .. | Ditto .. | 7th April 1913 .. | Ditto | |
| 35 | M. Karta Ram .. | Nakur .. | Sahasrampur .. | Ditto .. | 18th July 1913 .. | Ditto | Under suspension |

| | | | | | | | | | | |
|----|---------------------------------|----|----|----|------------------|----|----------------------|----------------------|----|---------------|
| 86 | P. Bidanmbar Sahal | .. | .. | .. | 1st October 1910 | .. | 11th November 1912.. | 18th July 1913. | .. | Sub. pro tem. |
| 87 | M. Wasf Ali Khan | .. | .. | .. | .. | .. | 22nd February 1912.. | Ditto | .. | .. |
| 88 | M. Laethmi Chand | .. | .. | .. | .. | .. | 1st April 1912 | Ditto. | .. | .. |
| 89 | M. Chaudra Sarrup | .. | .. | .. | .. | .. | 1st March 1913 | Ditto. | .. | .. |
| 90 | Bisadur Ismail Khan | .. | .. | .. | .. | .. | 7th February 1913 | Ditto. | .. | .. |
| 41 | M. Ali Ahmad Khan | .. | .. | .. | .. | .. | 1st October 1910 | Ditto | .. | Probationer. |
| 42 | M. Abdul Bari .. | .. | .. | .. | .. | .. | 26th September 1913 | Ditto. | .. | .. |
| 43 | M. Masbar Ali Shah | .. | .. | .. | .. | .. | 1st April 1912 | Ditto. | .. | .. |
| 44 | M. Ali Jan .. | .. | .. | .. | .. | .. | 6th May 1913 | Ditto. | .. | .. |
| 45 | Seth Gajadhar Prasad | .. | .. | .. | .. | .. | 4th November 1912 | Ditto. | .. | .. |
| 46 | M. Muhammad Zahur | .. | .. | .. | .. | .. | 24th July 1913 | Ditto. | .. | .. |
| 47 | B. Dhani Ram .. | .. | .. | .. | .. | .. | 9th July 1913 | 2nd October 1910. | .. | .. |
| 48 | B. Baldeo Prasad | .. | .. | .. | .. | .. | 14th November 1912.. | 16th October 1910. | .. | .. |
| 49 | M. Hashmat Ali Umani | .. | .. | .. | .. | .. | 12th June 1913 | 1st November 1910. | .. | .. |
| 50 | L. Din Dial | .. | .. | .. | .. | .. | 26th August 1911 | Ditto. | .. | .. |
| 51 | M. Bedig Husain, B.A. | .. | .. | .. | .. | .. | 19th April 1912 | Ditto. | .. | .. |
| 52 | M. Anjad Hussain | .. | .. | .. | .. | .. | 28th April 1913 | 18th November 1910. | .. | .. |
| 53 | B. Mahawaj Narayan | .. | .. | .. | .. | .. | 8th December 1910 | 8th December 1910. | .. | .. |
| 54 | B. Shankar Lal Sah Jagati.. | .. | .. | .. | .. | .. | 6th September 1912.. | 13th February 1911. | .. | .. |
| 55 | M. Meqsur Alam | .. | .. | .. | .. | .. | 14th February 1913.. | 21st February 1911. | .. | .. |
| 56 | M. Wali-uddin Chishti | .. | .. | .. | .. | .. | 6th November 1913 | 22nd February 1911. | .. | .. |
| 57 | M. Sri Narayan, B.A. | .. | .. | .. | .. | .. | 20th October 1912 | 1st March 1911. | .. | .. |
| 58 | M. Muhammad Baq, B.A. | .. | .. | .. | .. | .. | 10th July 1913 | 2nd March 1911 | .. | Probationer. |
| 59 | Mirza Khalil-ud-din Ahmad, B.A. | .. | .. | .. | .. | .. | 30th September 1911 | 30th September 1911. | .. | .. |
| 60 | P. Saig Ram Bajpai | .. | .. | .. | .. | .. | 21st February 1913 | 19th January 1912 | .. | .. |
| 61 | Seth Vishnu Karan | .. | .. | .. | .. | .. | 10th September 1913 | 7th June 1912 | .. | Probationer. |
| 62 | M. Dawar Ali .. | .. | .. | .. | .. | .. | 26th March 1913 | 11th June 1912 | .. | Ditto. |

Graduation List of Sub Registrars in the United Provinces as it stood on 1st September 1913—(concluded)

| Number | Name of Sub Registrar | Sub district and district in which employed | | Date of appointment as Sub Registrar | Date of posting to present sub district | Date of promotion to present grade | Remarks |
|--------|---|---|--------------|--------------------------------------|---|------------------------------------|------------------------------|
| | | Sub district | District | | | | |
| | <i>Es 50 grade, 80 posts—(concluded).</i> | | | | | | |
| 63 | M Mahabir Prasad Jami | Bah | Agra | 11th June 1913 | 27th March 1913 | 11th June 1913 | Probationer |
| 64 | B Bankey Lal Goll | Thakurdwara | Moradabad | 17th June 1913 | 18th September 1913 | 17th June 1913 | Ditto |
| 65 | B Shyam Sundar Lal | Kunoh | Jaloun | 27th June 1913 | 12th August 1913 | 27th June 1913 | Ditto |
| 66 | P Net Ram | Locknow (Joint) | Locknow | 10th July 1913 | 11th July 1913 | 10th July 1913 | Ditto |
| 67 | M Abid Karim | Baheri | Barilly | 9th August 1913 | 9th August 1912 | 9th August 1912 | Ditto |
| 68 | M Mukarram Ahmad | Moradabad | Moradabad | 1st October 1913 | 1st October 1912 | 1st October 1912 | Ditto |
| 69 | M Muhammad Ismail | Gonakhpur | Gonakhpur | 7th October 1913 | 7th October 1912 | 7th October 1913 | Ditto |
| 70 | B P'tambar Prasad, B A | Algarh | Algarh | 11th December 1913 | 11th December 1913 | 11th December 1913 | Ditto |
| 71 | B Bijlan Dial | Jhansa | Jhansa | 28rd December 1912 | 28rd December 1913 | 28rd ditto | Ditto |
| 72 | M Mahtab Ali Khan | Cawnpore | Cawnpore | 28rd December 1912 | Ditto | 28rd ditto | Ditto |
| 73 | B Ramch Deo Narayan | Rae Bareilly | Rae Bareilly | 20th May 1913 | 20th May 1913 | 20th May 1913 | Ditto |
| 74 | M Arnan Singh | Agra | Agra | 22nd May 1913 | 22nd May 1913 | 22nd May 1913 | Ditto |
| 75 | M Keshu Prasad | Barilly | Barilly | 9th June 1913 | 9th June 1913 | 9th June 1913 | Ditto |
| 76 | P Narayan Datt | Garhwal | Garhwal | 26th August 1913 | 26th August 1913 | 26th August 1913 | Ditto |
| 77 | M Hamid Ahmad | Meerut | Meerut | 20th September 1913 | 20th September 1913 | 20th September 1913 | Ditto |
| 78 | M Brij Narayan Tandan, B A | Meerut | Meerut | 20th September 1913 | 20th September 1913 | 20th September 1913 | Ditto |
| 79 | Thakur Udit Narayan Singh | Mirzapur | Mirzapur | 20th September 1913 | 20th September 1913 | 20th September 1913 | Ditto |
| 80 | M Jassar Husan | Gonda | Gonda | 20th September 1913 | 20th September 1913 | 20th September 1913 | Ditto |
| | <i>Es 20 grade, 8 posts vacant</i> | | | | | | |
| | | | | | | | Ditto } Have not yet joined. |
| | | | | | | | Ditto } |
| | | | | | | | Ditto } |

APPENDIX VII.

Statement referred to in answer to Council question no. 46.

| District. | | Allotted from 1st April 1913 to 21st November 1913, under— | | Remarks. |
|---------------------|------------------|--|----------|---|
| | | Act XII | Act XIX | |
| | | Rs | Rs | |
| MEERUT DIVISION | Dehra Dun .. | 520 | 722 | Act XII Act XIX 2,91,520 2,38,722 +1,70,000 46,700 4,61,520 2,85,422 7,46,942 +14,300 Distribution not reported by Commissioner yet Commissioner's reserve under Act XIX |
| | Saharanpur .. | 10,000 | 5,000 | |
| | Muzaffarnagar .. | 12,000 | 5,000 | |
| | Meerut .. | 1,17,000 | 75,000 | |
| | Bulandshahr .. | 1,52,000 | 1,53,000 | |
| | Total .. | 2,91,520 | 2,38,722 | |
| AGRA DIVISION | Aligarh .. | 1,78,995 | 35,000 | Total allotment to Division 7,61,242 |
| | Muttra .. | 7,18,743 | 2,35,000 | |
| | Agra .. | 6,30,000 | 35,000 | |
| | Mainpuri .. | 2,21,500 | 1,14,000 | |
| | Etah .. | 1,22,000 | 40,168 | |
| | Total .. | 18,71,238 | 4,59,168 | Commissioner's localities under both Acts 18,100 |
| ROHILKHAND DIVISION | Bareilly .. | 4,38,000 | 2,000 | |
| | Bijnor .. | 3,90,000 | 2,000 | Commissioner's reserve Act XII 427 Act XIX 7,500 |
| | Budaun .. | 6,95,000 | 1,05,000 | |
| | Moradabad .. | 5,23,000 | 10,000 | |
| | Shahjahanpur .. | 4,00,000 | 22,000 | |
| | Pilibhit .. | 65,500 | 490 | |
| | Total .. | 25,20,500 | 1,41,490 | |
| ALLAHABAD DIVISION | Farrukhabad .. | 65,150 | 30,225 | Commissioner's reserve 22,200, both Acts |
| | Etawah .. | 2,46,182 | 21,177 | |
| | Cawnpore .. | 4,22,890 | 38,943 | |
| | Fatehpur .. | 2,55,121 | 33,887 | |
| | Allahabad .. | 1,81,000 | 25,187 | |
| | Total .. | 11,20,643 | 1,46,399 | Commissioner's reserve 2,000 Act XIX |
| JHANSI DIVISION | Jhansi .. | 43,977 | 2,31,925 | |
| | Jalaun .. | 41,828 | 43,958 | |
| | Hamirpur .. | 23,914 | 1,61,007 | |
| | Banda .. | 36,654 | 1,67,095 | |
| | Total .. | 1,46,373 | 6,03,985 | |
| LUCKNOW DIVISION | Lucknow .. | 91,000 | 8,600 | Commissioner's reserve 6,872 |
| | Unao .. | 1,40,000 | 18,600 | |
| | Rae Bareilly .. | 1,82,500 | 5,000 | |
| | Sitapur .. | 1,21,200 | 5,000 | |
| | Hardoi .. | 2,71,000 | 10,000 | |
| | Kheri .. | 2,77,000 | 8,000 | |
| | Total .. | 10,82,700 | 50,200 | |
| GONDA DIVISION | Fyzabad .. | 1,52,000 | 15,000 | |
| | Gonda .. | 35,000 | 11,500 | |

APPENDIX VIII.

Statement referred to in answer to Council question no. 47.

| District, | | On account of drought in kharif 1913 | | On account of hail in rabi 1913 | | Other causes | |
|----------------------|--------------|---|------------|------------------------------------|------------|--------------|------------|
| | | Suspensions | Remissions | Suspensions | Remissions | Suspensions | Remissions |
| PROVINCE OF AGRA | | Rs. | Rs. | Rs | Rs | Rs. | Rs |
| AGRA DIVISION | Aligarh | 1,50,000 | .. | .. | .. | .. | .. |
| | Muttra | 8,48,000 | .. | 107 | 204 | .. | 467 |
| | Agra | 4,50,000 | 1,50,000 | .. | .. | .. | .. |
| | Mainpuri | 97,000 | 10,000 | .. | .. | .. | .. |
| | Etah | 21,000 | 16,000 | .. | .. | .. | .. |
| ROHLRIKHAND DIVISION | Bareilly | 2,00,000 | 25,000 | .. | 5,620 | .. | .. |
| | Bijnor | 4,25,000 | .. | .. | .. | .. | .. |
| | Budaun | 4,50,000 | 80,000 | .. | 22,541 | .. | .. |
| | Moradabad | 2,58,000 | 20,000 | 1,890 | 2,509 | .. | 5,677 |
| | Sháhjahánpur | .. | .. | .. | .. | .. | .. |
| | Pilibhit | 75,000 | .. | .. | .. | .. | 1,982 |
| ALLAHABAD DIVISION | Farrukhabad | 20,000 | 5,000 | .. | 7,920 | .. | .. |
| | Etawah | 1,25,000 | .. | .. | .. | .. | .. |
| | Cawnpore | 2,50,000 | .. | 7,448 | .. | 625 | 50 |
| | Fatehpur | 2,56,000 | 59,000 | .. | .. | .. | .. |
| | Allahabad | 2,06,000 | .. | .. | .. | 8,438 | 29,563 |
| JHANSI DIVISION | Bánda | .. | 8,82,000 | .. | 27,011 | .. | 4,315 |
| | Hamirpur | .. | 8,80,000 | .. | 5,122 | .. | 2,444 |
| | Jhansi | .. | 2,85,000 | .. | 1,455 | .. | 88 |
| | Jalaun | .. | 2,60,000 | .. | 1,898 | .. | 8,868 |
| OUDH. | | | | | | | |
| LUCKNOW DIVISION | Lucknow | .. | .. | .. | .. | .. | .. |
| | Unao | .. | .. | 88 | 747 | .. | .. |
| | Rae Bareilly | .. | .. | .. | 2,890 | .. | .. |
| | Sitapur | 1,00,000 | .. | .. | .. | .. | .. |
| | Hardoi | 2,75,000 | .. | .. | .. | .. | .. |
| | Kheri | 1,11,000 | 15,000 | .. | .. | .. | 2,664 |

Statement referred to in the answer to Council question no 50.

Tagavir allotments during 1913 14 to November 10th, 1913

| | | | | | | Special allotment of 80 lakhs | |
|-------------|----|----|----|----|----|-------------------------------|-----------|
| | | | | | | Act XII | Act XIX |
| Divisions | | | | | | Rs | Rs |
| Mercut | .. | .. | .. | .. | .. | 3,31,600 | 1,61,000 |
| Agir | .. | .. | .. | .. | .. | 12,17,800 | 4,41,300 |
| Rohilkhand | .. | .. | .. | .. | .. | 18,99,600 | 1,52,600 |
| Allahabad | .. | .. | .. | .. | .. | 8,44,400 | 86,800 |
| Jhansi | .. | .. | .. | .. | .. | 2,81,900 | 3,43,850 |
| Benares | .. | .. | .. | .. | .. | 21,000 | 40,600 |
| Gorakhpur | .. | .. | .. | .. | .. | 2,64,500 | 81,500 |
| Kumun | .. | .. | .. | .. | .. | . | 200 |
| Lucknow | .. | .. | .. | .. | .. | 9,64,200 | 15,200 |
| Fyzabad | .. | .. | .. | .. | .. | 4,54,500 | 69,900 |
| Total | | | | | | 62,78,900 | 13,42,950 |
| Grand Total | | | | | | 76,21,850 | |

APPENDIX X

Statement referred to in the answer to Council question no 52.

| District. | | | | | Kharif yield in annas | Estimated rabi sowings in annas |
|----------------------------|-----|-----|-----|-----|---------------------------|---------------------------------------|
| Aligarh | ... | ... | ... | ... | 10 | 8 |
| Muttra | ... | . | ... | ... | 5 | 8 |
| Agra | .. | ... | ... | ... | 4—5 | 8 |
| Mainpur. | ... | | ... | | 8—12 | 8—10 |
| Etah | .. | . | ... | ... | 10½ and over | 10—12 |
| Bareilly | ... | . | ... | .. | 7 | 9 |
| Bijnor | ... | ... | ... | . | 4—6 | 8—10 |
| Budaun | ... | ... | ... | ... | 6 | 8—12 |
| Moradabad | . | ... | ... | .. | 7—8 | 10—12 |
| Shahjahanpur... | ... | ... | ... | ... | 12—14 | 13—14 |
| Pilibhit | .. | .. | ... | .. | 6 | 9—10 |
| Farrukhatad | .. | ... | . | . | 10—14 | 10—12 |
| Etawah | ... | ... | ... | . | 10 | 8—10 |
| Cawnpore | . | ... | ... | | 7 and over | 10—16 |
| Fatehpur | .. | ... | ... | ... | 5—6 | 9—12 |
| Allahabad, (southern part) | | ... | .. | .. | 7½ | 8—12 |
| Jhansi | . | .. | ... | .. | 8 | 5 |
| Jalaun | .. | ... | ... | .. | 3 | 3 |
| Hamirpur | ... | ... | ... | . | 2—4 | 2½—5 |
| Banda | . | . | ... | ... | 4 | 5 |
| Benares | .. | | ... | | 14½ | ... |
| Mirzapur | | . | ... | ... | 14 | . |
| Ghazipur | ... | ... | ... | . | 14½ | .. |
| Ballia | ... | ... | ... | ... | Somewhat less than 14. | . |
| Gorakhpur | ... | ... | .. | ... | | ... |
| Azamgarh | ... | ... | ... | ... | 16 | ... |
| Lucknow | ... | ... | ... | .. | 15 | ... |
| Unao | ... | ... | ... | .. | 12 | ... |
| Rae Bareilly | .. | ... | .. | ... | 11 | ... |
| Sitapur | ... | ... | ... | .. | 9 | ... |
| Haidou | .. | ... | ... | .. | 6—8 | 12 |
| Kheri | ... | .. | .. | ... | 5½ | 12 |
| Fyzabad | ... | ... | ... | ... | 7½ | 10 |
| Sultanpur | ... | ... | ... | ... | 18 | ... |
| Pertabgarh | ... | ... | ... | ... | 12 | ... |
| | | | | | 10 | ... |

APPENDIX XI.

Statement referred to in the answer to question no. 57.

Statement showing the number of emigrants registered in the United Provinces of Agra and Oudh for the colony of Natal for the year 1902 to 1912.

| Year. | | | Province of Agra. | Province of Oudh | Total. |
|-------|-----|-----|-------------------|------------------|--------|
| 1902 | ... | ... | 1,733 | *772 | 2,505 |
| 1903 | ... | ... | 1,236 | 398 | 1,634 |
| 1904 | .. | ... | 1,312 | 471 | 1,783 |
| 1905 | ... | ... | 1,285 | 405 | 1,690 |
| 1906 | ... | ... | 3,637 | 957 | 4,594 |
| 1907 | ... | ... | 79 | Nil. | 79 |
| 1908 | ... | ... | 799 | 655 | 1,454 |
| 1909 | ... | ... | Nil. | Nil. | Nil * |
| 1910 | ... | ... | 1,369 | 1,082 | 2,451 |
| 1911 | ... | ... | 1,151 | 905 | 2,056 |

* No requisition for emigrants was received from Natal during 1909

APPENDIX XII

No. 526.

FROM

THE HON'BLE MR R BURN,

CHIEF SECRETARY TO GOVERNMENT,

UNITED PROVINCES,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

DEPARTMENT OF REVENUE AND AGRICULTURE

Dated Allahabad, the 16th November 1913

SIR,

SCARCITY DEPT.

WITH reference to rule VII, appendix A of the Famine Code for the United Provinces, I am directed to submit the following report on the agricultural condition of this province, owing to the unfavourable nature of the recent monsoon. The area affected to such an extent as to deserve special attention includes the whole of the Agra, Rohilkhand and Bundelkhand divisions, the whole of the Allahabad division, except the Allahabad district in which only the portion south of the Jumna and Ganges is affected, and the Kheri, Sitapur and Hardoi districts in the Lucknow division. These districts include an area of nearly 46,000 square miles with a population of about $19\frac{1}{4}$ millions. Throughout the whole of this area special measures are required involving at least suspension of revenue and unusually large distribution of taqavi. If, however, winter rains are received in time and are well distributed, the area in which actual famine conditions are likely to prevail and relief works are likely to be required, is considerably smaller. It includes the districts of Muttra, Agra, Budaun, the four Bundelkhand districts and the Bara and Meja tahsils in the Allahabad district. The area so defined is 16,700 square miles with a population of 5.2 millions.

General co

2. East of the area affected, which lies in the centre of the province, a moderate to good harvest has been secured by the monsoon, and though some leniency may be required in the collection of land revenue in one or two districts where late rice is an important crop there seems no ground to anticipate any further method of relief. To the west lies the Meerut division. Here the rainfall has been deficient, but the area is so well protected by canals that, although unirrigated crops have failed, the tract may be regarded as practically secure. In the Himalayan tract there appears no cause for anxiety, but the sub-Himalayan area will probably have a short rabi crop.

3. The Rohilkhand division lies between the Ganges and the Tarai at the foot of the Himalayas. It consists of a fertile plain producing rice and sugarcane, with a little cotton, while *bagia* and maize are the most important kharif food crops. Except in Bareilly, canal irrigation is insignificant and the number of masonry wells is smaller than in any other division in the plains. More than half the wells in existence are in the Budaun district. In ordinary years less irrigation is required than elsewhere, and when an emergency arises there is less scope for expansion. The districts of Sitapur and Kheri

resemble Rohilkhand, while Hardoi is like Budaun in possessing a larger number of masonry wells

4. In the tract between the Ganges and Jumna, which includes most of the districts of the Agra division, and the four western districts in Allahabad cotton is the most important kharif crop. Sugarcane occupies a comparatively small area, except in Farrukhabad. Maize, *guar* and *bajra* are the chief food crops in the kharif and are relied on to supply fodder for the cattle. Canal irrigation is widely extended and is supplemented by large numbers of masonry wells, while temporary wells can be made in most parts.

5. The worst affected tract lying chiefly south and west of the Jumna includes Muttra, Agra, Bundelkhand and two tahsils of Allahabad. It produces cotton in large quantities and very little sugarcane. Oilseeds are however of great economic importance. *Juar*, *bajra* and *kodon* are the chief food crops. Canals supply a considerable area in Muttra and Agra, but only a limited tract in Bundelkhand, chiefly in Jalaun and Banda. There are a fair number of wells in Muttra and Agra, but in Bundelkhand (Jhansi excepted) the number is small, and they are chiefly used for drinking water. The soils in Bundelkhand and south Allahabad differ from those in the Gangetic plain. Large areas are covered with the two heavy soils known as *mar* and *kabar* which are impossible to work when thoroughly dry. On the other hand after a good monsoon they retain moisture so well that irrigation is not required for the spring crops.

Worst tract.

6. It is a matter for congratulation that the province is well equipped for resisting distress. Six years ago serious famine was experienced owing to the failure of the monsoon of 1907 after a series of unfavourable years. In 1907-8 Agra, Jalaun, Hamirpur, Banda, the northern part of Jhansi, part of Etawah, the south of Allahabad, and the districts of Hardoi and Kheri were the most afflicted portions of the area which now demands consideration. The rest of the Agra and Allahabad divisions and Bijnor, Bareilly, Pilibhit and Shahjahanpur in Rohilkhand were more slightly affected, while Moradabad, Budaun and Aligarh escaped altogether. Recovery from that disaster was rapid owing to the policy adopted of prompt and liberal suspensions and remissions of land revenue, a wide distribution of taqavi, some of which was subsequently remitted, and a careful organization of direct relief.

Precious history.

1907-8

The monsoon of 1908 opened in the middle of June and gave plentiful and well distributed rain almost everywhere. A good crop was gathered on an area above the normal. The chief failure was in respect of late rice in the eastern and north-eastern districts. Unfortunately an epidemic of malarial fever, as is commonly the case after drought, broke out over an unusually large area. Owing to the enfeebling effects of this on the people the rabi could not be sown at the favourable time and the area under a spring crop was 15 per cent below the normal. Moreover, the outturn was poor and prices remained at a high level.

1908.

In 1909 the rains set in even earlier and agricultural operations had received a satisfactory start by the middle of June. On the whole

1909.

the season was favourable. Owing to the wetness of the soil at the time of sowing the kharif area was less than in the previous year, but the rabi was largely extended and the area nearly reached the normal. The yield in both harvests was distinctly better than in the previous year, and the improvement in outturn was most marked in the valuable staples

1910. In spite of a widespread feeling of pessimism among the people the following year (1910-11) was on the whole prosperous. Light showers were received early in June, followed by copious rain in the middle of the month. A feature of the year was an unusually heavy storm early in October. The kharif area, coarse food stocks having now been replenished, was less than in the previous year and suffered from floods. But the rabi was sown in an area 8 per cent. above the normal and yielded even better than in the previous year, except in the case of wheat.

1911. Popular forebodings again were rife in 1911. After general rain in June which sufficed for preliminary operations dry hot weather set in. The drought was partly relieved in July, but it was not till August was well advanced that sufficient rain had been received in all parts. The kharif area again showed a decrease, and the yield was lower than in 1910, but the spring crop area was 20 per cent. above the normal and the outturn was excellent except in the case of oilseeds

1912. In 1912 the monsoon did not extend into the provinces till the second week of July. For six weeks the season was favourable but the rainfall in September was deficient and very irregularly distributed. South Oudh, the Benares and Gorakhpur divisions and the Allahabad district suffered severely by the almost complete loss of the valuable late rice crop. It was even feared that famine might supervene in Mirzapur. There was some anxiety about the rabi but rain was received in November, being heaviest where it was most needed, and an area exceeding the normal was sown. Except in the eastern districts the kharif outturn was good, and taking the province as a whole it was better than in the preceding year. In the rabi the yield, though not equal to that of 1912, was generally satisfactory.

*Comparison
between 1907 and
1913*

7 It is thus clear that six months ago the people were in an exceptionally strong position. Of the tract which is now suffering from the effects of drought only the small area in the south of Allahabad has recently experienced an unfavourable season. In Bundelkhand the succession of good harvests has been unusually complete. The contrast between the present position and that in 1907 is striking. In January 1905 an unprecedented frost is estimated to have destroyed one-third of the gross produce of the spring crop in three nights. A deficiency of rain towards the end of the monsoon in that year caused serious loss in the country along and south of the Jumna and in Unao. Moisture was wanting for sowing the rabi crop of 1906 and the winter rains were so late that no supplementary area could be sown, especially in Bundelkhand. Relief operations were required in that division, in the south of Cawnpore, and in parts of Muttra, Agra and Etawah. The monsoon of 1906, though favourable in most parts, caused much damage by an excess of rain in the middle period and a subsequent defect, temporary relief being required in Gorakhpur. The winter rains of 1907 were altogether

unfavourable, as the monsoon of that year, after giving a little rain in the east during June, was not fully established till the third week of July and practically ceased a month later. During September rain was confined to a few of the eastern districts. It was estimated that the loss of food grains in the kharif of 1907 and the rabi of 1908 amounted to seven million tons or sufficient to feed the total population for nine months. Test works and poorhouses were opened early in November 1907, and relief works a month later. The number of persons on relief rose steadily till March 14th, when nearly $1\frac{1}{2}$ million were receiving relief of whom more than a million were on works. Direct expenditure on relief amounted to 2 crores, remissions of revenue and takavi to 90 lakhs and other miscellaneous expenditure and loss of excise revenue to 22 lakhs.

8 The monsoon of 1913 was of an unusual character. Appendix I compares the actual monthly rainfall from May to September with the average for those months. During the month of May heavy showers were received and the temperature remained comparatively low. Even at this time anxiety as to the coming season was expressed by the cultivators who pointed to the low temperature and the widespread flowering of bamboos which had recently occurred throughout the province as signs of impending drought. In June the rainfall was generally above normal—especially in the submontane tracts—some districts receiving as much as 8 or 9 inches, but in Bundelkhand it was badly distributed and insufficient for sowings. In July the monsoon weakened and rainfall was unusually light throughout the province though it was generally sufficient and well distributed for agricultural purposes in the Meerut, Benares, Gorakhpur and Fyzabad divisions. In the other divisions, more especially in Bundelkhand, sowings were restricted owing to lack of moisture. During August and September conditions deteriorated steadily. Except in the Benares division and the Gorakhpur and Azamgarh districts the rainfall during these two months was scanty and ill distributed, especially in September when 19 districts recorded less than one inch of rain. By the end of September kharif crops on unirrigated land had suffered severely in almost all districts and the rice crops in some parts had been practically all lost. A scarcity of fodder was also beginning to be felt in the Bundelkhand, Agra, Allahabad and Rohilkhand divisions. Throughout October dry winds and abnormal heat prevailed drying up such crops as still remained on unirrigated land and preventing sowings for the rabi crop. Practically no rain fell except in the Himalayan, Sub-Himalayan and eastern districts, and agricultural conditions deteriorated rapidly.

9. Two important contrasts are to be noted between the failure of rain in 1907 and that of the current year. The first is that in 1907 rain was practically confined to July and August while in the current year fairly copious falls occurred in May and June. Secondly, while most of the total amount received in 1907, fell in August of that year, the fall in the same month this year was exceedingly scanty. One result of the early falls has been that in tracts where maize and early rice are sown some harvest has been reaped. Cotton has yielded fairly well especially where irrigated though the number of pickings possible was reduced. On the other hand in tracts such as that south of the Jumna

Monsoon of 1913

the early rainfall was of use only for preliminary operations, and the subsequent failure prevented sowing of a full kharif area. The shortage in August is most serious. It prevented the growth of the chief fodder crops, it has reduced the supply of grass, and it has left the rivers and lakes from which water is taken for irrigation at an unusually low level. Sugarcane has suffered much damage and is still deteriorating. Transplanted rice and other late varieties have failed entirely over a large area. In discussing in more detail the state of the kharif it will be sufficient to deal with the affected areas only. Care has been taken to include all districts in which even scarcity is anticipated. The estimates have been discussed by the Lieutenant-Governor personally with the district officers and Commissioners.

Agra division

In the Agra division, Aligarh, Etah and Mainpuri are well protected by canals. Their kharif is estimated at ten to eleven annas. Cotton has done well in a large area and is fetching high prices. Maize yielded fairly in Aligarh and Mainpuri and *bagra* in Etah. The other two districts, Muttra and Agra, are only partially protected, and in addition have received less rain than other parts of the province. At Agra the total fall since May 1st is only $8\frac{1}{2}$ inches, while in one tahsil only $4\frac{1}{2}$ inches has been received. Over most of the district the rainfall in August did not exceed one inch, while in August 1907 as much as $11\frac{1}{2}$ inches fell. The total kharif outturn is probably between 4 and 5 annas, but sinks to only 3 in one tahsil. Cotton is the only crop which has yielded appreciably. In Muttra the total harvest is put at about the same figure. Cotton has done well where irrigated, while *guar* (except where water was available) and *bagra* have practically failed altogether.

Rohilkhand division.

Rohilkhand depends very largely on rice. In Bareilly this was saved by canals, and well timed rain in a few places, while maize and *bagra* have yielded something. The total outturn is put at about 7 annas. In Bijnor, where rice is still more important, the crop is almost an entire failure. Cotton and millets have yielded 5 to 7 annas, but the total kharif is put at only 4 to 5 annas. Prospects in Budaun vary considerably. While the average may amount to 6 annas there are important tracts in which it falls to 2. Moradabad has done better and the estimate is 7 to 8 annas. Even rice has yielded appreciably. A few small areas in Shahjahanpur have suffered considerably but over most of the district a 12 to 14 annas crop has been obtained. Rice is important in Pilibhit which received more rain than districts away from the hills, and the total estimate may be put at 6 to 8 annas.

Allahabad division.

In the four western districts of the Allahabad division cotton and maize have yielded well, while *bagra* has been fairly successful in parts. Farrukhabad, with a good deal of canal irrigation, estimates a crop of 10 to 14 annas. In Etawah the total has averaged about 10 annas, but the tract south of the Jumna has fared very badly. Cawnpore has obtained a 7 anna crop and Fatehpur slightly less. The estimated outturn of the southern part of Allahabad is about 7 annas, but this proportion is raised by the fact that there is a fringe of low alluvial land along the rivers and the uplands, which also suffered in 1912, have yielded much less.

Bundelkhand presents the worst outturn in the province. Estimates are only 3 annas in Jhansi, (some tracts yielding less than one anna), 3 annas in Jalaun, 2 to 4 annas in Hamirpur, and less than 4 annas in Banda. Canal irrigation is important only in Jalaun and Jhansi and a full supply of water was not available.

Bundelkhand division

Of the three districts affected in the Lucknow division, Kheiri and Sitapur estimate 6 to 8 annas Early rice and maize, and in Kheiri *lodon* have done best, while late rice failed. In Hardoi the yield is 5 to 6 annas, chiefly from early rice, *bagra* and early sown maize

Lucknow division

10 The approximate area irrigated from Government canals to end of October was 1,480,000 acres, a figure which has never been exceeded The increase is especially marked in the case of rice and cotton It is perhaps due to the early rainfall in May that larger areas of sugarcane, food crops other than rice, fodder and miscellaneous were irrigated in 1911 when the advent of the monsoon was delayed.

Khair irrigation.

11. Prospects for the rabi depend very largely on the winter rains. It is unfortunately the case that owing to the marked deficiency in August, as compared with 1907, the soil is much drier Even in the Ganges the available supply at the beginning of November was only 10,000 cusecs while as much as 13,000 is required to maintain a full supply. The construction of bunds at the headworks of the Upper Ganges Canal is now more complicated than it was, as three dams have to be made instead of two It is not anticipated that the full supply will be available before November 15th No greater justification could be adduced for having undertaken the construction of a permanent dam. The Rohilkhand canals have the smallest supply on record. In Bundelkhand the rivers are exceptionally low, and there is little water in the tanks which ordinarily supply an appreciable area

Rabi prospects.

12 Estimates have been framed of the proportion of the normal rabi area which is likely to be sown in each of the affected districts. A good deal of the land has actually been sown already, and it is remarkable that germination has, on the whole, been good If a satisfactory fall of rain were received by the middle of November a still larger area could be sown. In fact sowings can continue in places till well into December if rain is received before the end of the current month. Large quantities of tagari have been made for purchase of seeds and the construction of temporary wells

In the canal protected area of the Agra division the estimates are 50 per cent. in Aligarh, 50 to 60 per cent. in Mainpuri (where however one tahsil will sow a much higher area) and 60 to 75 per cent. in Etah. In Muttra a maximum of 50 per cent. is expected, and only irrigated land can be sown. In Agra it is anticipated that not even half a normal area will bear a crop.

Agra division

In the Rohilkhand division the three submontane districts will probably sow 50 to 60 per cent. of a normal crop. In Moradabad and Shahjahanpur the proportion rises to 70 or 80 and 85 per cent. respectively. In Budaun prospects are more uneven. The greater part of the district will probably sow 50 to 75 per cent. but in one tahsil not more than a third of the normal area is expected.

Rohilkhand division

Allahabad division

Prospects are considerably better in the Allahabad division. In Faizukhabad, Cawnpore and Fatehpur estimates vary from 60 to 75 per cent, and in part of Cawnpore a full normal area may be expected. In Etawah the estimate is also 50 to 60 per cent, but south of the Jumna and in a strip immediately along the Jumna on the north nothing can be sown except the area of low lying land along the rivers. In the south of Allahabad prospects are worse. Here not more than 50 per cent will be sown in the uplands although, owing to the existence of low lying land on both the Jumna and the Ganges, the total area will be about 60 per cent of a normal.

Bundelkhand division

As already remarked, conditions in Bundelkhand are distinctly less favourable than in 1907. The highest estimates are 30 per cent of a normal area in Jhansi and Banda, but each of these districts contains tracts in which only 6 to 10 per cent can be expected. In Hamirpur the estimate varies from 15 to 30 per cent, and in Jalaun about 25 per cent may be taken as a probable figure. The area in this last mentioned district would be higher but for the paucity of water in the canal.

Lucknow division

In the Lucknow division the estimate is about 60 per cent in Kheir, and 60 to 75 per cent in Sitapur and Hardoi.

Well irrigation

At the time of the famine in 1907 a well survey was in progress the results of which were utilized in giving out advances and the number of wells was very largely increased. Since that year the operations of the Agricultural department have been extended. A staff of trained well-borers has been entertained and every effort has been made to push the construction. Within the last four years more than 68,000 masonry wells have been constructed. Advantage will be taken of the present season to extend well irrigation wherever possible. New types of wells, suitable for percolation, are now being experimented with. Unfortunately the present crisis coincides with very high prices for leather goods of all sorts, and well buckets are exceedingly dear. Earthen wells will be made in very large quantities to bring to maturity crops which have already been sown.

Prices

13. One of the most reassuring features in the situation appears from a study of price movements. In reporting to the Government of India the prospects in 1907 it was pointed out that stocks throughout the province were then abnormally low. At the present time, on the other hand, there is no doubt that comparatively full stocks are held not only in the bazars and markets, but also in the villages. There was very little movement in the rates for wheat, barley, rice, *bagra* and gram up to the middle of September. *Juar* up to that date had even shown a fall in price. During the last half of September however when the prospects of the monsoon had become distinctly unfavourable, there was a sharp rise, the quantity of wheat procurable for a rupee decreasing by about 1 seer from 11 seers 8 chataks to 10 seers 6 chataks, and that of the cheaper food grains by nearly 2 seers—from 15 or 16 seers to 13 or 14. The sudden rise stimulated imports, especially from the Punjab, and several staples, including wheat, barley, *juar*, *bagra* and gram, actually became cheaper in October than they had been in the previous month. At the end of October, in all the districts affected,

from $9\frac{1}{4}$ to 10 seers of wheat could be procured for a rupee. Barley, which has within recent years been exported in large quantity to Europe, and is no longer as cheap as it used to be, was at 11 to 14 seers. Gram was slightly dearer varying from 11 to $12\frac{3}{4}$ seers. *Juar* and *bajra*, which form a very large part of the food of the people in the districts where they are grown, varied from 11 to 15 seers, *juar* being cheaper than *bajra*. Maize, which is largely used where available, was at 12 to 13 seers. Though it is probable that the general level of prices has risen during the last six years, these prices are distinctly lower than at the corresponding period in 1907, when wheat was at less than 8 seers, barley 10 seers 10 chataks and *juar* 10 seers 15 chataks. There is no tract in the province in which it is anticipated that Government will have to take any measures for importing grain. So far as information is at present available the chief movement of grain is from the Punjab to the west of this province, and from parts of Central India to Bundelkhand. The quietness of the freight market at Karachi indicates that wheat is being held up in the Punjab, and exports from all parts of these provinces are ceasing.

14. Up to the present there have been no complaints of failure of employment for the labouring classes but rates for day labour in Bundelkhand have fallen distinctly in the last week or two. All through the rains the demand for labour exceeded the supply. Wages of menials in Agra have recently been affected by the extensive works in progress in Delhi, and it is anticipated in several districts that there will be some movement of labourers to that place. The demand for field labour, if timely rain is received during the cold weather, will be very large, as irrigation will be required on a considerable scale.

Labouring classes.

15. During his conferences with district officers and Commissioners the Lieutenant-Governor made special enquiries in regard to the scarcity of fodder, which at this juncture constitutes one of the gravest dangers to be faced. The general principles to be followed were settled in consultation with the Director of Land Records and Agriculture and the Conservators before His Honour left Naini Tal. It has now been decided to cancel any contracts that exist for grass in the Government forests, and to reserve the whole supply for special sale in the affected districts. The two main sources are the forests of the Bundelkhand division and the submontane forests. The Bundelkhand grass is of excellent quality and the cattle in that tract are accustomed to eating it. About 300,000 maunds are available and a small quantity has been secured from Hoshangabad in the Central Provinces. The Tarai grass, which is very coarse, is not liked by cattle in the plains. But experience has shown that they will eat it, if it is given to them gradually mixed with other classes of fodder. In 1907 fodder was cut on a very large scale and distributed to districts. The experiment was not altogether successful both because the cattle have to be gradually accustomed to the grass, and because it was decided at the outset to charge an unduly high rate for the grass. The result was that the rates had gradually to be reduced and finally large quantities of grass were auctioned fetching little or nothing. At the present juncture, His

Fodder and water supply.

Honour has decided to cut the whole of the grass available in the Bundelkhand, Kheri and Pilibhit forest divisions, and to sell the hay at a fixed price at the railway stations where it is to be delivered. The price fixed is six annas a maund or roughly half the calculated cost of cutting and delivering. It is believed that this will result in less loss to the State and will afford much greater benefits to the cultivators who purchase the grass. Sanction has recently been accorded by the Government of India to the reduction of rates on fodder and reports have been received that this measure has already stimulated the import of fodder by private individuals. The question of throwing open Government reserves after the supply of grass has been cut, is under consideration. Information has been given to the military authorities of the localities in which scarcity of fodder and supplies is anticipated, and it is understood that several movements in relief will be carried out by rail instead of by marching. It is not anticipated that the question of water supply for cattle or human beings will cause any immediate difficulty. In all parts the supply of water in wells has fallen to a marked extent. Some grants will be given for deepening and improving drinking water wells in Bundelkhand, but apart from this nothing is likely to be required. Shortness of water will give some difficulty in Bundelkhand, but it is anticipated that this can be arranged locally.

Taqavi

16. Plans were made early for distribution of a especially large amount of taqavi for which allotments amounting to Rs 80 lakhs have been received from the Government of India in addition to the ordinary grant of 26 lakhs. It is expected that this amount will suffice for the present though, if favourable rain were received at an early date, money might be required for fresh advances. The question how much should be allotted for each district was discussed at the conferences with reference to a valuable note prepared by Mr. W. H. Moreland, lately Director of Land Records and Agriculture, on the results of the last famine. A copy of that report is in the possession of the Government of India. Details of the allotments to November 10th are shown by divisions in appendix II.

Land Revenue.

17. Similarly the amount of land revenue to be suspended was carefully discussed. Complete proposals have not yet reached Government, but it is anticipated that out of a total kharif demand of roughly $3\frac{1}{2}$ crores about $56\frac{1}{2}$ lakhs will have to be suspended, and out of this more than 18 lakhs will probably be remitted. In Bundelkhand it is the settled policy of Government to declare remissions immediately in cases like the present. Elsewhere much depends on the character of the succeeding seasons. It is reported that in Oudh there is still great reluctance on the part of the landholders to accept suspensions of land revenue. In that province there is no statutory provision by which relief can be passed on to the tenants. It is usual, therefore, in allowing suspensions or remissions to make these conditional on a similar allowance being made in rent. Endeavours will be made to remove this objection, but in the case of bad landlords the remedy presents difficulty and is being considered in connection with the revision of the law.

18 To the end of October there was no noticeable increase in crime. In one or two districts a few cases of petty crop stealing were reported, and in the canal districts the banks of the canal had been cut in places. During the last week several dacoities have occurred in the Agra division which point to the probability of gangs being formed partly recruited from the Native States of Rajputana and Central India on the border. It is understood that conditions in those states approximate to those in this province. The general health of the people is unusually good. There has been very little malarial fever, and there are as yet no signs of emaciation.

Crime.

19 Taking into review all the circumstances the Lieutenant-Governor anticipates that the development of distress will be slower than it was in 1907. Test works will hardly be required before the beginning of December, and relief works will probably not be needed till near the close of the year. After the famine of 1907-8 the organization was carefully examined by Messrs Ferard (a Commissioner) and Manners-Smith (superintending engineer) who compiled a most useful report. As a result of this and of the experience gained generally the Famine Code has been revised. Defects in the existing method of preparing the programme of relief works have been remedied. Special enquiries as to the sufficiency of public works and of the smaller village works were made by the Lieutenant-Governor during his recent tour with reassuring results. Previously it had been the practice to treat districts as a whole for the purpose of calculating the amount of relief likely to be required. The experience of 1907 showed that this was not sufficient, and that sufficient works must be provided in considerably smaller areas. Officers were placed on special duty in districts where the programme was found insufficient. There are only one or two districts in which any special help appears to be now required in this respect, and orders have been issued to remedy the defect immediately. It is anticipated that, by the time they are needed, projects will be ready in these districts as they are elsewhere. Reserves of tools and plant are now maintained at convenient centres. These are being examined and are being amplified where necessary. Orders have been given for the preparation of perishable articles which will be required such as baskets and handles for tools.

Programme of relief

20. Attention has also been given to the question of expanding ordinary public works and this will be done wherever possible. During the course of his enquiry it was brought to the notice of the Lieutenant-Governor that certain lines of railway are projected, work on which would materially assist in supplying labour. The most important of these is the railway now under construction from Cawnpore to Banda. If it were possible to undertake the branch from Rath to Sumerpur labour would be required in large quantities. In the Agra district the line projected from Agra through Etah to Kasganj would be of value. It is understood that a line has been surveyed from Shahjahanpur through Budaun to Hapur. This would meet the needs of the worst affected tracts in both the Shahjahanpur and Budaun districts. Two branches of the Lucknow-Sitapur Railway running from Ramnagar on the north to Jharekapur and from Powayan through Muhamdi and

Railway work

Mitauhi to Jharkhand, would assist in the Khari district. If any work could be undertaken on the East Indian Railway in Cawnpore, that also would be desirable. It is understood that the question of doubling the line in that neighbourhood has been discussed. The collection of ballast in the Allahabad district would provide work for the unemployed.

Establishments.

21. Arrangements have been taken to register the names of candidates who would be required for relief works. It is probable that the services of military officers will be required, but before application is made for the services of these the Lieutenant-Governor thinks the course of events should be awaited.

Probable expenditure.

22. It is particularly difficult to estimate the probable expenditure likely to be incurred on relief. On the one hand the failure of the rains is more serious in the worst affected tract than it was in 1907. The outturn of the kharif is smaller and the prospects for the rabi are inferior. But on the other hand the people are in a far better condition to face misfortune. The actual expenditure in Bundelkhand, and in the districts of Muttra, Agra, Budaun and Allahabad was about 22 lakhs from December 1907 to March 1908. With favouring rain throughout the cold weather His Honour anticipates that this amount should not be exceeded in that tract. Unless prices rise to the level of six years ago the cost of relief will be smaller than in 1907-8. Allowing for expenditure in the other districts which will be more slightly affected, but where some expenditure will be needed on gratuitous relief, poorhouses and test works, the estimate in the current financial year may be placed at 30 to 35 lakhs. In the next financial year, assuming that winter rains are received and the monsoon of 1914 is favourable the expenditure will probably be about half as much again or 45 to 50 lakhs.

I have the honour to be,

SIR,

Your most obedient servant,

R. BURN,

Chief Secretary.

APPENDIX I

Table showing rainfall in the United Provinces during the months of May, June, July, August and September 1913

| Districts, | May | | June | | July | | August | | September | | Rainfall data for the period between the 1st of May and the 30th September 1913 | | | | Defect expressed in percentage of normal |
|---------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---|--------|---------------------|------------------|--|
| | Average actual rain | Average normal rain | Average actual rain | Average normal rain | Average actual rain | Average normal rain | Average actual rain | Average normal rain | Average actual rain | Average normal rain | Inches | Inches | Average normal rain | Defect in inches | |
| Delhra Dun | 8.42 | 1.50 | 10.98 | 27.31 | 15.26 | 29.28 | 1.53 | 9.85 | 85.07 | 73.92 | 43.55 | 57 | | | |
| Saharanpur | 2.76 | 6.66 | 4.77 | 11.35 | 7.00 | 10.98 | 36 | 5.67 | 24.11 | 33.37 | 9.26 | 27 | | | |
| Muzaffarnagar | 2.08 | 7.84 | 9.24 | 9.24 | 7.16 | 8.28 | 1.84 | 5.25 | 22.50 | 23.71 | 3.91 | 14 | | | |
| Meerut | 2.89 | 6.08 | 8.60 | 8.60 | 8.80 | 8.17 | 35 | 4.47 | 16.60 | 24.52 | 8.10 | 32 | | | |
| Bulandshahr | 1.94 | 4.79 | 8.05 | 1.90 | 1.90 | 7.88 | 56 | 4.37 | 16.94 | 23.59 | 6.65 | 28 | | | |
| Aligarh | 1.77 | 5.62 | 2.24 | 8.53 | 2.24 | 7.81 | 66 | 4.27 | 16.24 | 23.64 | 7.40 | 31 | | | |
| Muttra | 1.38 | 4.71 | 8.38 | 7.43 | 2.33 | 7.43 | 55 | 8.99 | 11.07 | 22.31 | 11.44 | 60 | | | |
| Agra | 1.89 | 2.86 | 9.00 | 9.00 | 3.96 | 10.11 | 88 | 4.45 | 5.69 | 24.45 | 18.76 | 70 | | | |
| Mainpuri | 2.95 | 4.01 | 9.98 | 9.13 | 2.21 | 10.03 | 54 | 5.04 | 12.39 | 21.01 | 14.25 | 48 | | | |
| Etah | 2.17 | 3.83 | 3.44 | 9.13 | 3.04 | 13.07 | 113 | 7.60 | 19.12 | 42.66 | 13.28 | 53 | | | |
| Bareilly | 3.12 | 5.29 | 5.74 | 14.97 | 4.59 | 12.89 | 168 | 6.78 | 20.67 | 38.16 | 23.64 | 55 | | | |
| Bijnor | 3.05 | 5.51 | 13.25 | 4.16 | 4.16 | 9.40 | 38 | 5.91 | 15.50 | 30.57 | 17.48 | 45 | | | |
| Budaun | 8.35 | 5.34 | 11.32 | 9.92 | 11.20 | 10.38 | 30 | 5.90 | 14.41 | 33.73 | 15.07 | 47 | | | |
| Moradabad | 8.16 | 4.83 | 12.99 | 5.11 | 10.38 | 10.38 | 40 | 6.14 | 23.28 | 33.16 | 15.77 | 44 | | | |
| Shahjahanpur | 2.88 | 6.69 | 8.16 | 11.83 | 4.03 | 14.87 | 38 | 8.20 | 20.09 | 49.87 | 26.68 | 56 | | | |
| Fatehpur | 2.06 | 4.84 | 6.73 | 16.81 | 4.42 | 9.98 | 163 | 5.41 | 19.19 | 29.87 | 9.88 | 33 | | | |
| Etawah | 2.49 | 3.65 | 10.38 | 10.38 | 5.22 | 10.07 | 104 | 5.17 | 14.23 | 29.07 | 14.84 | 51 | | | |
| Cawnpore | 1.21 | 3.80 | 10.48 | 10.48 | 4.79 | 10.84 | 167 | 5.12 | 14.08 | 30.25 | 16.17 | 53 | | | |
| Faizpur | 1.97 | 3.96 | 10.67 | 10.67 | 3.77 | 10.28 | 83 | 5.23 | 21.64 | 33.44 | 9.19 | 29 | | | |
| Allahabad | 1.90 | 4.93 | 4.73 | 11.42 | 6.87 | 10.80 | 394 | 6.30 | 24.00 | 33.44 | 9.54 | 28 | | | |
| Jhansi | 93 | 22 | 4.56 | 11.89 | 3.55 | 11.89 | 82 | 5.84 | 14.89 | 34.24 | 19.35 | 56 | | | |
| Jaloun | 31 | 81 | 3.86 | 11.81 | 3.55 | 10.80 | 90 | 4.70 | 13.80 | 30.46 | 17.18 | 56 | | | |
| Hammur | 1.06 | 38 | 4.15 | 11.63 | 4.15 | 10.67 | 104 | 6.06 | 15.39 | 35.93 | 13.99 | 56 | | | |

APPENDIX I

Table showing rain-fall in the United Provinces during the months of May, June, July, August and September 1913—(concluded)

| Districts | May | | June | | July | | August | | September | | Rain-fall data for the period between the 1st of May and the 30th September 1913 | | | |
|--------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--|------------------|--|--|
| | Average actual rain-fall | Average normal rain-fall | Average actual rain-fall | Average normal rain-fall | Average actual rain-fall | Average normal rain-fall | Average actual rain-fall | Average normal rain-fall | Average actual rain-fall | Average normal rain-fall | Average actual rain-fall | Defect in inches | Defect expressed in percentage of normal | |
| | Inches | Inches | Inches | Inches | Inches | Inches | Inches | Inches | Inches | Inches | Inches | Inches | | |
| Banda | 1.35 | .88 | 5.52 | 12.67 | 7.21 | 12.67 | 8.69 | 11.89 | 1.42 | 6.34 | 19.80 | 36.45 | 47 | |
| Banars | 2.80 | .61 | 6.04 | 11.88 | 11.88 | 12.28 | 11.11 | 11.14 | 10.08 | 6.76 | 43.93 | 35.73 | 21* | |
| Mirzapur | 2.24 | .56 | 5.12 | 10.10 | 9.41 | 12.60 | 12.59 | 12.19 | 5.26 | 7.10 | 38.60 | 37.66 | 1.04 | |
| Jaunpur | 1.22 | .58 | 5.23 | 10.02 | 10.02 | 13.40 | 7.89 | 11.57 | 7.13 | 7.68 | 29.81 | 37.60 | 20 | |
| Gorakhpur | 2.26 | .73 | 5.37 | 8.34 | 11.03 | 16.53 | 16.53 | 11.02 | 7.57 | 6.60 | 43.97 | 84.75 | 26* | |
| Balla | 2.35 | .68 | 6.52 | 6.07 | 11.87 | 11.87 | 12.25 | 10.54 | 6.85 | 7.11 | 20.56 | 36.57 | 41 | |
| Gorakhpur | 2.64 | 1.54 | 7.15 | 10.63 | 13.52 | 13.52 | 12.25 | 11.77 | 7.33 | 8.54 | 42.95 | 42.83 | | |
| Basra | 4.63 | 1.42 | 6.83 | 11.19 | 13.97 | 13.97 | 5.04 | 12.60 | 2.25 | 8.67 | 30.74 | 43.70 | 29 | |
| Almora | 2.62 | 1.60 | 5.21 | 10.07 | 11.83 | 14.97 | 14.97 | 11.88 | 6.51 | 7.54 | 40.16 | 36.63 | 45 | |
| Nain Tal | 5.65 | 3.22 | 9.24 | 10.60 | 20.62 | 20.62 | 6.27 | 19.05 | 2.03 | 8.85 | 33.56 | 59.96 | 41 | |
| Almora | 8.78 | 1.89 | 7.12 | 8.20 | 16.64 | 16.64 | 5.09 | 15.02 | 2.46 | 8.99 | 16.21 | 54.20 | 70 | |
| Lucknow | 3.42 | .68 | 4.86 | 8.60 | 13.14 | 13.14 | 7.45 | 16.13 | 1.87 | 8.14 | 26.18 | 45.07 | 43 | |
| Unao | 2.09 | .46 | 4.19 | 4.59 | 10.70 | 10.70 | 6.70 | 10.73 | 3.08 | 6.09 | 19.61 | 31.54 | 34 | |
| Rae Bareilly | 2.87 | .42 | 5.08 | 8.78 | 10.72 | 10.72 | 6.59 | 11.43 | 2.40 | 6.80 | 28.06 | 34.10 | 17 | |
| Sitapur | 7.34 | 7.34 | 5.17 | 7.94 | 11.40 | 11.40 | 5.52 | 10.62 | 1.16 | 6.40 | 21.70 | 32.31 | 97 | |
| Haidar | 3.27 | .57 | 4.57 | 6.64 | 11.08 | 11.08 | 4.82 | 10.66 | 1.57 | 6.98 | 20.80 | 32.80 | 37 | |
| Kheri | 1.01 | .63 | 6.63 | 7.13 | 12.92 | 12.92 | 4.26 | 12.86 | 1.22 | 7.75 | 22.71 | 40.97 | 44 | |
| Prayag | 1.23 | .85 | 5.97 | 12.23 | 11.83 | 11.83 | 6.59 | 12.84 | 3.87 | 7.66 | 20.54 | 37.95 | 21 | |
| Gonda | 4.09 | 1.23 | 6.96 | 15.27 | 13.00 | 13.00 | 5.29 | 12.84 | 2.60 | 8.00 | 36.73 | 41.18 | 45 | |
| Bahraich | 2.68 | 1.40 | 5.98 | 8.24 | 13.80 | 13.80 | 2.80 | 12.15 | 1.62 | 7.72 | 24.96 | 41.00 | 10 | |
| Sultanpur | 2.75 | .60 | 5.54 | 10.73 | 12.12 | 12.12 | 5.46 | 12.55 | 4.81 | 7.71 | 29.70 | 38.51 | 28 | |
| Patna | 1.58 | .42 | 5.01 | 9.04 | 10.80 | 10.80 | 9.65 | 11.16 | 3.42 | 6.59 | 22.42 | 31.07 | 13 | |
| Bans Banki | 2.79 | .74 | 4.39 | 8.22 | 11.98 | 11.98 | 6.43 | 11.84 | 1.95 | 7.43 | 23.87 | 30.45 | 54 | |

*Excess

APPENDIX II.

Takavi allotments during 1913-14 to November 1st 1913.

| Divisions. | Ordinary allotment of 26 lakhs | | Special allotment of 80 lakhs | | Remarks |
|-------------|--------------------------------|----------|-------------------------------|-----------|---------|
| | Act XII | Act XIX | Act XII | Act XIX | |
| | Rs | Rs | Rs | Rs | |
| Meerut | 1,07,520 | 1,46,122 | 9,31,000 | 1,61,000 | |
| Agra | 6,10,288 | 79,168 | 12,17,800 | 4,41,800 | |
| Rohilkhand | 4,71,927 | 46,490 | 18,99,000 | 1,52,000 | |
| Allahabad | 1,41,643 | 31,399 | 8,44,400 | 88,800 | |
| Jhansi | 86,873 | 39,785 | 2,31,900 | 3,49,850 | |
| Benares | 3,97,000 | 1,05,251 | 21,000 | 40,600 | |
| Gonakipur | 17,769 | 25,000 | 2,64,500 | 31,500 | |
| Kumaun | 50 | 300 | " | 200 | |
| Lucknow | 74,267 | 36,105 | 9,64,200 | 15,200 | |
| Fyzabad | 88,188 | 50,754 | 4,54,500 | 69,900 | |
| Total | 19,90,405 | 5,60,324 | 62,78,900 | 18,42,950 | |
| GRAND TOTAL | 25,50,729 | | 76,21,850 | | |

APPENDIX XIII

(Information promised in Chief Secretary's reply to question no 96 asked by the Hon'ble BABU BRIJNANDAN PRASAD, at the Council meeting of the 15th September, 1913)

Since 1st August 1912, 1,023½ acres of cultivated land have been included within the boundaries of the reserved forests now being demarcated in Kumaun. Of this area 16 acres only were in regular cultivation, on 716 acres cultivation had been altogether abandoned, and on the remaining 307½ acres cultivation was either intermittent or had been given up for 10 years or more. In about four fifths of the cases of acquisition land outside the demarcated acres was given in exchange.

(Information required in question no 13 asked by the Hon'ble KHWAJA GHULAM-US-SAQLAIN at the Council meeting held on the 15th September, 1913)

- (b) The Government is informed that the law mentioned in (a) of the Hon'ble Member's question asked at last meeting has not caused any inconvenience to the general public, and there has been no general complaint against it on the part of the commercial and banking classes.
- (c) The Government is informed that the provisions of section 33 of the Ajmer Laws Regulations, III of 1877, were introduced because they were in accordance with the custom of the country, and because any rule which attempted to limit interest would be popular.
- (e) The Government of Bombay have informed this Government that so far as they have been able to ascertain the rule of *damdupat* has caused no serious inconvenience to the public or the Hindu merchants and bankers in the Bombay Presidency, and there has been no serious agitation to set it aside.

(Information promised in answer to question No. 118 asked by the Hon'ble RAI GANGA PRASAD VARMA BAHADUR at the Council meeting held on the 15th September, 1913.)

Statement showing the figures of expenditure on the process serving establishment in Oudh

| Serial number | Judgeship. | Cost of the process serving and summons writing establishment | Remarks. |
|---------------|-----------------------------------|---|----------|
| | | Rs a p. | |
| 1 | Lucknow | 22,168 11 8 | |
| 2 | Sitapur | 7,534 15 0 | |
| 3 | Hardoi | 7,431 12 1 | |
| 4 | Fyzabad | 10,489 14 4 | |
| 5 | Gonda | 12,518 4 6 | |
| 6 | Rae Bareilly | 8,651 0 0 | |
| 7 | Judicial Commissioner's Court ... | . | |
| | Total ... | 68,794 9 7 | |

The Government regrets that there are no figures available showing the amount of income realized from process fees in Oudh.

(Information required to complete the answer to question no 126 asked by the Hon'ble RAI GANGA PRASAD VARMA BAHADUR at the Council meeting held on the 15th September, 1913)

“(1) That the University results have not been published officially, at any rate, for the last three years at Naini Tal. They have been disclosed by the Registrar to candidates and others who have applied at his private rooms

(ii) There are no orders of the Syndicate that the results shall be published at Naini Tal. The orders are—at the Senate House, Allahabad and in the Government Gazette

(iii) The reason why the Syndicate ordered the Registrar not to disclose the results prior to their official publication at the Senate House, Allahabad, are understood to be—

(1) that the University has no staff, nor office, nor any suitable place for the proper publication of the results at Naini Tal,

(2) that the committee often find it necessary to submit its proceedings to the Syndicate for confirmation in connection with recommendations for special graces not covered by the bye-laws under which it acts,”

(Information promised in answer to question no. 124 asked at the Council meeting held on the 15th September, 1913.)

Statement showing in what provinces other than the United Provinces the rule of 33 students for every class in an Anglo-Vernacular School with the limitation of two sections to a class is enforced

(a) Limitation of numbers in each class in other provinces.

| Province. | Number. | Remarks. |
|------------------------------|---------------|---|
| North-West Frontier Province | 40 | |
| Punjab | 40 | |
| Madras | 40 | |
| Bombay | 35 | In Government Schools only. |
| Central Provinces ... { | 35 | In the first four standards. |
| | 30 | In the Final standards. |
| Bengal { | 50 | In Entrance and Second classes. |
| | 40 | In Third to Sixth classes. |
| | 30 | In Seventh and Eighth classes. (These limits are regulated by the University.) |
| Assam | As for Bengal | (In High Schools only.) |
| Bihar... .. | ... | No limits. |

(b.) There is no limitation of sections in any province, but in Assam endeavour is being made, as in the United Provinces, to keep Government Schools within two sections to a class.

*Information required to complete the answer to question no. 188 asked by the
HON'BLE MUNSHI MAHADEO PRASAD at the Council Meeting held on the 15th
September 1913.*

"At the Matriculation and Intermediate examinations of the Calcutta University the number of answer papers allotted to each examiner to be looked over may approximately be taken to be 450. In the B.A. pass examination the papers are divided into two halves and each examiner is asked to examine between 700 and 800 half-papers. The Honours papers looked over by one examiner seldom exceed 200. Usually one month's time is allowed to the examiners for examining the papers, but each examiner is required to examine 20 papers a day working 6 days in the week and to submit to the Registrar or to the Head Examiner, as the case may be, the marks as soon as a batch of 100 papers are examined. The number of papers examined each week is also expected to be fairly proportionate to the total number of papers to be examined within the time allowed."

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL FOR THE UNITED PROVINCES OF AGRA AND OUDH, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 TO 1909.

The Council met at Government House, Lucknow, at 11 a.m., on Tuesday, the 2nd December 1913.

PRESENT.

The Hon'ble Sir JAMES SCORGIE MESTON, K.C.S.I., Lieutenant-Governor, *presiding.*

The Hon'ble MUNSHI MAHADEO PRASAD, M.A., LL.B.

The Hon'ble RAI SHANKAR SAHAI SAHIB.

The Hon'ble BABU BALAK RAM.

The Hon'ble RAJA KUSHALPAL SINGH, M.A., LL.B.

The Hon'ble BABU BRIJNANDAN PRASAD, M.A., LL.B.

The Hon'ble PANDIT MOTI LAL NEHRU.

The Hon'ble RAI GOKUL PRASAD BHADUR, M.A., LL.B.

The Hon'ble MAHARAJA SIR BHAGWATI PRASAD SINGH, K.C.I.E.

The Hon'ble KHWAJA GHULAM-US-SAQLAIN, B.A., LL.B.

The Hon'ble SAIYID RAZA ALI, B.A., LL.B.

The Hon'ble SHAIKH SHAHID HUSAIN, B.A., LL.B.

The Hon'ble RAI GANGA PRASAD VARMA BHADUR.

The Hon'ble Mr. D. C. BAILLIE, C.S.I., I.C.S.

The Hon'ble Mr. G. A. TWEEDY, I.C.S.

The Hon'ble Mr. F. W. BROWNIGG, I.C.S.

The Hon'ble Mr. R. BURN, I.C.S.

The Hon'ble Mr. A. W. PIM, I.C.S.

The Hon'ble Mr. C. H. HUTTON

The Hon'ble Mr. W. G. WOOD.

The Hon'ble COLONEL C. C. MANIFOLD, I.M.S.

The Hon'ble LIEUT.-COLONEL C. MACTAGGART, C.I.E., I.M.S.

The Hon'ble Mr. D. M. STRAIGHT.

The Hon'ble Mr. E. H. ASHWORTH, I.C.S.

The Hon'ble RAI BISHAMBHAR NATH BHADUR.

The Hon'ble RAJA SIR MUHAMMAD TASADDUQ RASUL KHAN, K.C.S.I.

The Hon'ble NAWAB MUMTAZ-UD-DAULA SIR MUHAMMAD FAIZ ALI KHAN, K.C.I.E., K.C.V.O., C.S.I.

The Hon'ble Mr. F. MACKINNON.

The Hon'ble Dr. TEJ BHADUR SAPRU, M.A., LL.D.

The Hon'ble LALA SUKHEER SINGH.

The Hon'ble Mr. W. H. COBB, I.C.S.

The Hon'ble Mr. S. P. O'DONNELL, I.C.S.

The Hon'ble Mr. C. F. DE LA FOSSE, M.A.

The Hon'ble Mr. J. M. HOLMS, C.S.I., I.C.S.

The Hon'ble Mr. H. C. FERARD, C.I.E., I.C.S.

THE UNITED PROVINCES LOCAL RATES BILL, 1913.

The consideration of the Local Rates Bill was resumed.

The Hon'ble MUNSHI MAHADEO PRASAD moved that clause (b), sub-section 2, section 3, and the proviso thereto be deleted. He said —

“The amendment that stands against my name is of very great interest to the Benares division, which has had the good fortune of having a permanent settlement in these Provinces. The enactment proposed by the present bill in its

THE UNITED PROVINCES LOCAL RATES BILL, 1913.

[Munshi Mahadeo Prasad.]

section 3, clause 2, sub-clause (b) provides that certain areas will be liable to local rate, at prescribed differential amounts per acre according to the nature or value of crops grown on or capable of being grown on, or according to the rent realized or capable of being realized therefrom. The proviso to that section contemplates only a safeguard against excessive assessment, under the prescribed uniform rate leviable in respect of any mahal or estate, in the Benares division.

"The enactment above referred to appears to me to be vague and indefinite. It may be possible to ascertain the value of crops grown or the amount of rent fetched, but it would be impossible to judge the yielding capacity of land which is a fluctuating factor at the time of assessment of the aforesaid local rate.

"I may be permitted to submit for this Council's favourable consideration that differential rates mean advantage to one agriculturist and disadvantage to another of the same class. When the assessment of a certain plot will be reduced, the natural consequence that will follow therefrom will be that the deficiency will have to be made good from plots which are more fertile and capable of yielding a better produce. This is calculated to create heart-burning among the same class of tenants of the respective lands.

"Your Honour is fully aware that improved methods of cultivation are becoming more and more popular, especially because of the spread of education, maintenance of Government model farms and encouragement given to the ryots for irrigation and other agricultural purposes. If a tenant who employs his brains, and talents, labour and skill towards bettering the growing power of his fields, I see no reason why he should be burdened with a higher rate to benefit another who might be indolent and less intelligent and less active.

"The determination of the power of growth of a piece of land, of its capacity to fetch a rent, of its capacity to grow certain valuable crops, is a tedious process and it cannot be definitely said that a piece of land which produces a valuable crop to-day will also do it every succeeding year. Consequently the determination of the growing capacity of land or of its liability to fetch a higher or a lower rate of rent, will have to be repeated oftener, in order that the assessment may be just and equitable. This will entail hardship to the peasantry and additional work to revenue officers. If it be left to the patwari or the supervisor kanungos, it is bound to go wrong, as in many instances they may be open to favour the one, at the cost of the other tenant. The zamindars too, who might happen to entertain a grudge against one tenant or owe an obligation to another, may seek to move the machinery of assessment to suit his ends.

"Looking at the differential assessment from the zamindar's point of view I do not find it beneficial. As a rule a cultivating zamindar is more resourceful in his village than his tenants generally. He can command a better produce from his cultivation. Under the system recommended by the bill he will be liable to a greater amount of assessment than his tenants and the result will be that each will grow jealous of the other.

"The policy of arbitrary or varying assessment of cesses was deprecated by the East India Company as far back as Regulation XLIV of 1793. Mr Shore's minute, 5th Report, vol. I, page 163 of 1789 gives a brief sketch of the *modus operandi* of zamindars in obtaining additional imposts, and how solicitations and influence were brought to bear upon tenants to consent to additional assessments. Various enactments had to be passed to prevent zamindars from using unjust means of levying extra cesses. If differential assessments were allowed, the Government will be put to the additional necessity of guarding antagonistic interests of the rich and of the poor tenants of the zamindars and of the ryots in the Benares division. If differential assessments have been in force in the hilly tracts

THE UNITED PROVINCES LOCAL RATES BILL, 1913

[Mr. Gokul Prasad Bahadur, Mr. Pim]

of Mirzapur district, that should form no reason to extend it to any other place in the division.

"In conclusion I would submit that uniformity of treatment is the very keystone of British rule and any departure therefrom between subjects and subjects is bound to involve the Government and its people in difficulties.

"With these few remarks I beg to urge and submit that the proposed clause be deleted."

The Hon'ble RAI GOKUL PRASAD BAHADUR said.—

"As representing the Benares division I rise to second the amendment so ably moved by my honourable friend M Mahadeva Prasad. In my humble opinion, the extra work entailed upon the various Government officials, possibly the extra cost of an increase in establishment, litigation for which there would be an opening, the difficulty of having a safe standard to guide a variation in the rate, and the heart-burning which would naturally arise owing to distinction being made between one tenant and another would more than outweigh the benefits to be derived from this measure which the Government desires to introduce in the interests of the tenants. The difficulties and disadvantages attending the introduction of such a measure has been very ably set forth by my honourable friend the mover, and I need not reiterate them here, but I must say that I am afraid that the vague and indefinite provisions of clause (b), sub-section (2); section 3, if introduced, might under certain circumstances lead to favoritism, consequent dissatisfaction of tenants and estrangement of feeling between the landholders and tenants to the disadvantage of both.

"I understand, however, that this provision is to be applied to the hilly tracts of the Mirzapur district where something like this is in force at present. Perhaps a provision like this is absolutely necessary in the hilly tracts where the cultivation is few and far between. If the provision is, however, to be extended to the other districts of the Benares division I fully support the amendment."

The Hon'ble MR PIM said.—

"The honourable members who have spoken in respect of this motion seem to assume that it is proposed to introduce some change into the method of assessment in the Benares division. As explained in the resolution that was sent round with this Act, there is no intention of making any change whatever. A certain method of assessment has been in force since the year 1905-6 in the Mirzapur district under which in hill tracts the best lands pay a rate of 2 annas an acre and inferior lands which can only bring in very small rents are taxed at a lighter rate. In no case is the assessment greater than 2 annas an acre and there is no intention that it shall be greater than 2 annas an acre. Although this method of assessment has been in use since 1905-6, it is doubtful whether it was covered by the provisions of the existing Act, and the present section was simply drafted so as to legalize the procedure which has been going on all this time. There is no intention of extending this method of assessment to any other area. But if by any chance there were any similarly afflicted tracts the section is worded in such a way as to secure liberty of action, but it would never be imposed except in the very special conditions which exist in Mirzapur or similar conditions of a very special type elsewhere. I understand that from the Hon'ble Munshi Mahadeo Prasad that one of his objections is that the result would be that some tenants would be let off and others would have their rates increased, so that the total receipts might be made up to an average of two annas. Well, that is not the intention, and to meet that part of his objection Government is prepared to modify the proviso to that section and to substitute 'provided that the rate to be assessed under clause (b) on any acre shall not exceed two annas.' That, I think, meets the major part of his objection, and I would ask whether he was prepared to accept that proposal made on behalf of Government."

THE UNITED PROVINCES LOCAL RATES BILL, 1913.

[*Munshi Mahadeo Prasad, His Honour the President, Mr Pim, Shaukh Shahid Husain*]

The Hon'ble MUNSHI MAHADEO PRASAD agreed to accept this amendment
HIS HONOUR THE PRESIDENT said —

"The only question then before the Council is that in place of the present proviso at the end of clause 2 the following proviso be substituted, namely 'provided that the rate to be assessed under clause (b) on any acre shall not exceed 2 annas' Government is prepared to make this concession, and I understand the honourable member is prepared to accept it." •

The motion was put and agreed to

The Hon'ble MR PIM moved that the following clause be substituted in place of clause 8 as it stands on the bill before the Council —

"8. Where a local rate is imposed in Oudh under sub-section (1) of section 3 on any estate, the landlord may recover from an under-proprietor or a permanent lessee of land within the estate whose rent has been fixed or recorded by a competent court a sum bearing the same proportion to a sum calculated at 2½ per cent. on the annual value of the land held by such under-proprietor or permanent lessee as such annual value after deduction therefrom of the rent so fixed or recorded bears to half such annual value, and also—

(a) if at the date of the commencement of this Act the rural police rate payable under the United Provinces Local and Rural Police Rates Act, 1906, in respect of such land was wholly recoverable from such under-proprietor or permanent lessee,

the whole of the difference between a sum calculated on such annual value at 2½ per cent. and a sum calculated thereon at the percentage leviable as local rate in respect of the estate,

(b) if at such date the rural police rate was partially recoverable from such under-proprietor or permanent lessee a sum bearing the aforesaid proportion to such difference.

Explanation.—

In this section the annual value of any land comprised in an estate means double the land revenue paid by the superior proprietor on account of the land in question "

He said —

"This amendment has been already circulated to honourable members with a memo explaining the reasons for the changes proposed. Section 8 as drafted in the bill would make it necessary that in any district in which the total rate to be levied was less than the maximum separate changes would have to be made on different principles in the two separate parts of the rate. That introduced a most unnecessary complication, and it is of immediate consequence, because in the 3 districts of Lucknow, Bara Banki and Rae Bareilly it is not proposed to levy the full rate until the needs of the district boards show that the change must be made. The amended section has therefore been drafted so as to provide that any variations which will take place in the total rate levied shall be made in the second part, namely the 2½ per cent. which replaces the old police rate of 3 per cent. This simplifies calculation and the proportionate amounts to be recovered from under-proprietors or others and who are liable will remain as before. No change of principle will be made in that respect. I therefore beg to propose that the amended section 8 should be inserted in the Act in place of the present section." •

The Hon'ble SHAIKH SHAHID HUSAIN said.—

"I wish to bring to the notice of the Council that nowhere in the Bill has the term 'under-proprietors' been defined. It would have been much better if 'under-proprietors' had been defined in section 2, clause (5). As I mentioned yesterday, there are several kinds of under-proprietors in Oudh. The present clause 8 now put

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[*His Honour the President, Raja Kushalpal Singh*]

forward by Mr. Pim does not cover the case of those under-proprietors who hold their land without any payment of rent to the proprietor. Keeping in view the principle that everybody should pay according to proportion and no part of the land should be free from the cess, I submit that the landlords should not be burdened in these cases with the extra cess is that going to be levied and that the burden should fall on the under-proprietors not covered by the section."

HIS HONOUR THE PRESIDENT said —

"The point taken by the honourable member deserves consideration, and in order to give it consideration, which it has not yet received, I propose to defer the further consideration of this Bill to-day until after the disposal of the resolution. This is a slight departure from the normal procedure, but in the circumstances I think it is permissible. The resolution standing in the name of the Hon'ble Raja Kushalpal Singh will now be taken up and after that an announcement will be made as to the manner in which it is proposed to meet the honourable member's suggestion or, if necessary, to postpone the consideration of the Bill until we have more leisure."

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The Hon'ble RAJA KUSHALPAL SINGH moved the following resolution:—

"That this Council recommends to the Government that the rules regarding the exemption of improvements by irrigation should be made clearer, more definite, and such as may give effective encouragement to this form of improvement, and that the rules should be published as widely as possible."

He said:—

"The most important means of safeguarding and increasing the agricultural products of India is irrigation. Besides the positive help and encouragement which the Government gives in the shape of takavi loans, there is a further stimulus of a so to speak negative character, to which, however, the greatest importance must always be attached, I mean the exemption from taxation of all improvements that come of irrigation. In the presidencies of Bombay and Madras the exemption granted is *in perpetuum*. There, such permanent exemption from taxes of 'improvements' has justified itself by the effective encouragement given to the sinking of wells. The Irrigation Commission wrote in their report that the increase in permanent wells was by far the greatest in the presidencies of Madras and Bombay, where exemption is perpetual. With the view to encouraging improvements, the Famine Commission of 1901 recommended perpetual exemption of improvements. As I propose to move in the Imperial Legislative Council a resolution to the effect that in all future settlements any increase of assets due to the construction (otherwise than at the expense of the state), of wells, tanks, or other artificial sources of irrigation should be permanently exempted from assessment to revenue, I shall confine my remarks to the rules laid down in the circulars of the Board of Revenue.

"Large and costly schemes of irrigation require years to be developed, while the system of well-irrigation is far less costly and yields immediate results. I humbly request the Government to push forward well-irrigation as much as possible. The present rule 2 of the Board of Revenue Circular no. 5, department I, does not offer sufficient inducement for the undertaking of improvements. When an irrigation work is constructed by a proprietor of a mahal, usually an increase in the rental takes place in consequence. The basis of assessment is the rental payable at the time of the revision of assessment.

"So practically at the time of such revision revenue is calculated with reference to the benefits accruing from an irrigation work constructed by a proprietor at his own expense. Generally, deductions made from the rental or assets under rule 2,

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[Raja Kushalpal Singh]

Circular 5, are much less than the increase in the revenue which takes place by reason of the improvement. The present rule, as it stands, affords no inducement to landholders to construct irrigation works.

"I therefore propose that rule 2 should be so amended as to allow improving landholders at the revision of the assessment next following the construction of an improvement to enjoy either the allowance made in rule 2 or the increase in the rental which takes place in consequence of an improvement, whichever is greater.

"The existing rule is extremely complicated, and can be worked in any manner a settlement officer likes. The fear of enhanced revenue assessment deters many landholders from making improvements by irrigation. The words, 'The condition of the mahal is thereby materially improved, either through an enhancement of the rent already payable or through an increase in its stability and additional protection against the effects of drought' are very vague. It is rather difficult to say what '*material improvement*' is, and what it is due to. It is difficult to say whether stability of rent is due to some improvement, or to some general rise of prosperity. At the time of settlement, not the well only but also a change in prices, and a hundred other things which can affect the assets are considered. It has often been seen that the improvement which is mainly due to the *well* has been attributed to other causes. Generally, an increase in the rent-roll which is mainly due to an '*improvement*' is also due in some slight degree to a number of other things. The present rule under review places a vast amount of power in the hands of settlement officers. So far as my experience goes, the existing rule is not worked in a sufficiently liberal spirit. It is only in rare instances that improvement-making landholders are met in a generous and liberal manner. I humbly recommend that Government should issue explicit instructions to settlement officers that they should particularly see to it that any increase in the rent-roll, which very largely springs from an improvement, is not set down to other causes, which have but very slightly contributed to such increase.

"Paragraph 9 of the Government of India resolution nos. 6—193—2, dated the 24th May 1906, runs as follows.—

'In the United Provinces the existing rule is that all works constructed within the thirty-year period of an expiring settlement, are exempted from assessment for the period of the next revised settlement, so that the exemption lasts for at least 30 years, and possibly for nearly 60 years, after the construction of the work. The Government of India agree with the Local Government that in this respect the rule is a liberal one. They also approve of the following modifications in the existing system which have been suggested by the Local Government, namely, that it should be provided by rule that the allowance made for a new well by deduction from the assets on which the assessment is based should not in any case be less than eight per cent on the capital expenditure, and that this exemption may be given in favour of new wells made to take the place of old ones, and of wells which have been constructed, but have failed to work from causes beyond the constructor's control. Such a concession implies that Government to some extent shares the risk of failure of a well, but it will tend to encourage the sinking of wells without any undue loss of revenue, and the Government of India recommend that other provinces should consider whether a similar concession should not be adopted in the rules promulgated by them.'

"In spite of what is written above, the Local Government has made no provision in the rules for the wells which have been constructed, but which have failed to work from causes beyond the constructor's control. I respectfully draw the attention of Government to this matter.

"The Government of India urge on all Local Governments that the rules should be made widely known in every possible way—that all new works entitled to a

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[*Raja Kushalpal Singh*]

concession should be registered as soon as they have been constructed, so that improvements may not, by mistake, be taxed, and that, whenever the assessment is raised at revisions of settlement, it should be brought home to the landholder by the issue of a sanad, or otherwise, that the enhancement of the assessment is not based upon the improvements, but upon such general considerations as a rise in the value of the produce

"I respectfully request the Government to give full effect to these recommendations of the Government of India. In my humble opinion clause (4) should be added to rule 20, chapter II, of rules for Patwaris, making it obligatory on a Patwari to report in writing the construction of all improvements by irrigation, the cost of constructing which exceeds Rs 50. On the receipt of such reports, the Tahsildar should follow *mutatis mutandis*, the procedure laid down in rule I, circular 4 of the Board of Revenue. When the improvement has been verified and registered, a certificate should be given to the constructor. The certificate should be issued whether an application has been made for it or not.

"Paragraph 11 of the resolution of the Government of India begins as follows —

'The third branch of the subject dealt with in this resolution is the question of granting a reduction of assessment when an improvement ceases to be of use. In this connection Local Governments were asked to consider the expediency and practicability of reducing the revenue payable on land which has been assessed with reference to the benefits accruing to it from an irrigation work, when such work has for any reason fallen into disuse during the currency of settlement.'

"At the end of paragraph 12 the Government of India say —

'It was observed in paragraph 37 of the resolution of the 16th January 1902 that any such alteration of the assessment is in conflict with the terms of the original contract, by which the landholder has undertaken a liability for loss in return for an expectation of profit, but that in this matter the interests of the Government are identical with the interests of the people, and that it is unwise to exact from impoverished persons a revenue which they really cannot pay, merely because they are under an engagement to pay it. To these views the Government of India adhere, and the policy which they wish to see adopted is required, not only in order to encourage improvements, but for the attainment of an equitable distribution of the land revenue demand.'

"I request the Government to frame rules for carrying out these recommendations of the Government of India.

"There is a remarkable ignorance among landholders of the very existence of the rule I have been referring to. In the evidence given by Mr. E. A. Molony, Indian Civil Service, before the Indian Irrigation Commission, he stated —

'The fear of enhanced revenue assessment is undoubtedly one of the causes which prevents wells being made. The people do not know the orders of the Government about the non-liability to assessment of revenue of the increased rental gained by irrigation improvements. When I was assistant settlement officer at Lucknow, no one ever pointed out new wells until I began to make inquiries, and the people learnt by experience that I would assess lightly on land irrigated by new wells. Then they began to come forward, which shows clearly that they had not expected such treatment. Even now I believe the intentions of Government are not widely known.'

"Special steps should be taken to give the widest possible publicity to the existing rule, or to the rule which may replace it, by distributing printed copies thereof to *patwaris* and *landdars*, and by requiring *patwaris* to bring it to the knowledge of agriculturists.

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[*Rai Bishambhar Nath Bahadur, Mr. Baillie*]

"With these few remarks I beg to recommend the resolution for acceptance by the Honourable Council."

The Hon'ble RAI BISHAMBHAR NATH BAHADUR, said —

"In supporting the Resolution moved by my friend the Hon'ble Raja Kushalpal Singh, I would like to emphasize only the latter portion of it. If I have understood my friend aright, he refers in his resolution to the para 2 of the Board's Circular 5, Department I, sanctioned by G. O. no. 2409—G4306, dated the 28th August 1907, which runs as follows —

'When any irrigation work is constructed with the aid of a loan granted under Act XIX of 1883, or by or at the cost of the proprietor and the condition of the *mahal* is thereby materially improved either through an enhancement of the rent already payable or through an increase in its stability and additional protection against the effects of drought an estimate shall be framed of the expenditure incurred in constructing such work and allowance made for the improvement by deducting 10 per cent of the estimate from the assets before the revenue is assessed at the revision of the assessment of land revenue next following the date when the work was constructed.'

"Sir, so far as the rules regarding the exemption of improvements by irrigation contained in this particular paragraph are concerned, I confess, I do not see much of vagueness in them, but I am afraid I do hold that these rules and many of the same kind calculated to relieve the agricultural classes of some of their burden are not widely known. Generally, such rules remain confined to the Government books not much in circulation. People in their ignorance fail to assert their rights and to take advantage of these beneficial rules unless the initiative is taken by the settlement officers themselves.

"As for such further changes in the rules as will give effective encouragement to the improvements by irrigation, I need hardly say, that they would be welcomed by everybody. But I wish my friend the honourable mover of the resolution had separately made some concrete and practical proposals. However, standing as the Resolution does at present, I do not find anything objectionable in it and I therefore commend it to Your Honour's acceptance."

The Hon'ble MR. BAILLIE said —

"My honourable friend has started by informing us that in his highest sphere of influence he intends to move a resolution giving perpetual effect to reductions ordered on account of improvements of an essentially ephemeral character. We are not at present directly concerned with this subject, but I think that we must all regard the debate which will ensue as a most interesting one. We shall look forward to hearing how the honourable member will manage to make this proposal of his fit in with the system of assessments in these provinces in which the revenue is fixed with reference to assets and at recurring periods of 30 years. He will also have to explain how the enterprising financier will be restrained from reducing the revenue to nothing at all by repeated improvements, so-called, for which Government recoups him the entire cost. The matter is not *res integra*, but I refer to this now partly for the information of honourable members and partly because the principle on which a decision was recorded by the Government of India on this question of perpetual exemption, applies also to the proposals which the honourable member has made in the resolution he has moved in this Council. The honourable member will not start his campaign with a fair open field before him. He will find that the Government of India takes up a position behind somewhat ancient and formidable fortifications. The subject of allowance for improvements has been under debate for the last 60 years at least, and the final pronouncement of the Government of India on the subject

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was a Resolution dated the 24th February 1906, which was published after having received the orders of the Secretary of State on the subject. The Government of India in that resolution pointed out that in regard to the valuation of improved land two factors have to be considered. The first is the labour and the capital expended on the improvement, and the second is the inherent capability of the soil. The Government concede that a full return for the entire labour and capital is due to the landholder, but they hold that in the second factor, they are partners. They see no good reason why a landholder should be allowed the whole of the additional profit derived from the improvement after he has been fully and liberally recompensed for his expenditure on that improvement. They regard it as unreasonable that assessments of revenue on good soil capable of irrigation should be at the same level as that of poor soil on which wells cannot be constructed.

"I pass now to the resolution moved in this Council. The first suggestion made by the honourable member is that a system of assessing the value of the improvement in view of its effect on the rental of a *mukhal* should be introduced. Now, I will concede at once that such a principle is in accordance with the principles of assessment of revenue in these provinces. The rule I suppose which meets the honourable member's view would be as follows:—'When land is improved by irrigation, by works constructed by or at the instance of landholders by the expenditure of private capital, the increase in rental derived from the improvement shall not be taken into account at the revision of the assessment of land revenue next following the date when the works were constructed.' That, I understand, is the rule on the lines of which the honourable member wishes the new rules drawn up. Now that rule is clear. At least it appears to me to be clear. It is brief, and it appears to me to have only one defect—that under that rule no allowances whatsoever can be calculated. I have worked it, or tried to work it, and I know. I have tried time after time to ascertain, by searching the *jamabandi* and by examining in detail the rentals of the tenants, what effect an improvement has had on the rental. The result in nine cases out of ten at least is that no effect on the *jamabandi* due to the improvement is discernible. The great bulk of the area of land in which wells can be constructed in these provinces is already irrigable. A landholder constructs a new well, but that well does not make land formerly unirrigated irrigable. It adds to the supply of water available. It is used when water in the surrounding wells falls low. But it ordinarily does not lead to an enhancement of rent or at any rate to a material enhancement of rent. The rule which the honourable member advocates was abandoned because it was found to give practically nothing to the zamindar and it was for this reason that the Government adopted the principle of reimbursing the zamindar for the expenditure. The rule now in force makes a provision calculated so that the lump payment permissible fully reimburses the landholder during the period of settlement for his entire expenditure and the interest of the money expended at the rate at which he can get a *taqavi* advance. It is not an illiberal rule. In this matter I join issue with the honourable member entirely. It is a rule which is in many cases impractically liberal. It gives as a consequence of the construction of a well a deduction which has the effect of reducing the assessment on areas affected below what those areas would have paid had the well not been constructed. The benefit from an improvement is allowed to the person who has made it. Ordinarily improvements are made by the small zamindars and it is perfectly possible that a pattidar owning ten acres can construct a well costing Rs. 500. The deduction he would be allowed would be Rs. 50 per annum for a full period of settlement, and possibly for nearly another full period if the well is constructed shortly after settlement. The result would be that on his ten acres he would have a deduction of Rs. 50, bringing the assessment far below what it would have been even if the land had been dry. The difficulty in

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connection with the present rule is not that it is liberal enough but that it is far too liberal. What the honourable member now asks for is that an alternative to the present rule, the old rule, should be enacted. I do not think that Government can be reasonably asked after it has fully reimbursed the proprietor for what he has expended on the well to allow him a further deduction infringing on the share of the rent which is fairly due to Government.

"The honourable member complains that the rules are complicated and says that the settlement officer can work them as he thinks best. As regards the settlement officer I think he may be reassured. The tendency of settlement officers is to work these rules as strongly as possible in favour of the zamindar. As regards the complication, I must say that I do not see it myself. The matter is a complicated one and it cannot be put into a few words. The supporter has himself remarked that it is a pity that the honourable member has not put forward a concrete and practical proposal on this subject, and I must agree with him. The honourable member objects to the use of the word 'material', but material is a word which appears to me to be indispensable. A sum of Rs. 5 may be material in certain mahals. A sum of Rs. 500 would be dropped with the annas and pies in the assessment of some of the large villages of say 10 square miles paying a rental of Rs. 20,500. We cannot judge by proportions because the distribution brings the effect of the assessment down to a smaller area. The word material appears to me indispensable and it seems to me perfectly intelligible. It means that the allowance is to be given where it would be such as would be considered valuable by the person to whom it is made. I should be glad to consider any definite proposals that the honourable member will make as to making of the rules clearer.

"The next proposal which I have to remark on is the suggestion that allowance should be made for wells which have failed to be effective owing to causes beyond the control of the constructor. He refers to the letter of the Government of India as if it were the final pronouncement on the subject. But this is a mistake. The correspondence continued, and India's final pronouncement was dated the 26th February, 1907. It was there decided that the Government could not undertake to sanction a rule which would encourage speculative expenditure by zamindars in regard to which they would be ensured from loss by Government. It is clearly impossible for Government to undertake anything of the sort.

"As regards the need for giving the rules further publicity, I myself do not agree with the honourable member or with Mr. Molony that zamindars do not know about these rules. As a matter of fact I found that at settlements, zamindars practically all knew about them, and it was more or less immaterial whether they did or not, as inquiry about improvements is invariably made by the settlement officer. Government will, however, be glad to give effect to any definite suggestions which the honourable member wishes to make in regard to the publication of these rules. We are willing to see that the patwaris will all have a copy and to give effect to any other suggestions the honourable member will put before us.

"The last case is the question of the reduction of revenue when an improvement ceases to be of use. This subject was discussed with the Government of India which, in the letter above mentioned, accepted the proposal of the Local Government to insert the present rule 5. The Government desired to do whatever was possible to stimulate the construction of a new well in place of an old one which had fallen but they could not embark on a series of readjustments of revenue inconsistent with the contract made between the Government and the zamindar."

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The Hon'ble RAJA KUSHALPAL SINGH said —

"Rule 2, circular no 5 contemplates the improvement of the condition of mahals in two ways —

- (1) Through an enhancement of rent, and
- (2) Through an increase in its stability

"So far as the improvement of the condition of mahals through an enhancement of rent is concerned, a rule should be added to the following effect —

'When land is improved by irrigation by works constructed by, or at the instance of, landholders, by the expenditure of private capital, the increase in rental derived from the improvement shall not be taken into account at the revision of the assessment of land revenue next following the date when the works were constructed'

"This will meet the requirements of the case. But so far as the improvement of the condition of mahals, through the stability of rent, is concerned, the present rule 2, minus the portion relating to the enhancement of rent, should be retained. If both these things are done, the object aimed at by this resolution will be gained. I do not think that the expansion of the present rule, in the manner suggested above, is unreasonable. This little concession on the part of the Government will be a potent stimulus to the construction of masonry wells. The Hon'ble Rai Bishambhar Nath Bahadur is mistaken in thinking that the present rule is not vague. If a landholder spends money on the construction of an improvement by irrigation, I do not understand why the deduction mentioned in rule 2 should not be allowed to him unless he can prove that the condition of the mahal is thereby materially improved. It is difficult for landholders to establish their claims in the way laid down in this rule. A reduction in the revenue, by an amount equal to five per cent. on the estimated expenditure on the improvement, affords no inducement to landholders to construct irrigation works. If they employ this money in making loans to cultivators they will be getting much higher interest.

"I am glad to note that the Hon'ble Mr. Baillie is prepared to consider suggestions for the publication of the rules. I have made several suggestions in my speech. I shall be glad to add to what I have stated therein.

"In reply to the remarks made by the Hon'ble Mr. Baillie to show that it is undesirable to reduce revenue when an improvement ceases to be of use, I cannot do better than to quote the observations made by the Government of India, who say. —

'It was observed in paragraph 37 of the resolution of the 16th January 1902 that any such alteration of the assessment is in conflict with the terms of the original contract by which the landholder has undertaken a liability for loss in return for an expectation of profit but that in this matter the interests of the Government are identical with the interests of the people and that it is unwise to exact from impoverished persons a revenue which they really cannot pay, merely because they are under an engagement to pay it. To these views the Government of India adhere, and the policy which they wish to see adopted is required, not only in order to encourage improvements, but for the attainment of an equitable distribution of the land revenue demand.'

"I abstain from making any observations on the general remarks made by the Hon'ble Mr. Baillie as that will involve the discussion of such controversial questions as whether the land revenue in India is rent or tax."

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The motion was put to the vote and the Council divided as below.—

| AYES, 8. | | NOES, 21 | |
|-------------|---------------------------------------|-------------|---------------------------------|
| The Hon'ble | Babu Balak Ram | The Hon'ble | Pandit Moti Lal Nehru |
| " | Rai Bishambhai Nath Bahadur. | " | Rai Ganga Prasad Varna Bahadur |
| " | Lala Sukhbir Singh | " | The Maharaja of Balampur. |
| " | Raja Sir Muhammad Tasadduq Rasul Khan | " | Mr. Baillie |
| " | Khwaja Ghulam-us-Saqlain | " | Mr. Tweedy |
| " | Rai Shankar Sahai Sahib | " | Mr. Brownrigg. |
| " | Babu Bijuanandan Prasad | " | Mr. Burn |
| " | Raja Kushalpal Singh. | " | Mr. Pim |
| | | " | Mr. Hutton |
| | | " | Mr. Wood |
| | | " | Colonel Manifold |
| | | " | Lt -Col Mactaggart. |
| | | " | Mr. Straight |
| | | " | Nawab Sir Mhd. Faiyaz Ali Khan. |
| | | " | Mr. Mackinnon. |
| | | " | Dr. Tej Bahadur Sapru. |
| | | " | Mr. Cobb. |
| | | " | Mr. O'Donnell |
| | | " | Mr. de la Fosse. |
| | | " | Mr. Holms |
| | | " | Mr. Ferard. |

The motion was accordingly rejected.

The Hon'ble RAJA KUSHALPAL SINGH moved—‘That the Council recommends to His Honour the Lieutenant-Governor that he should move the Government of India to amend the regulations for the election of members to seats on the United Provinces Legislative Council so as to allow at least four seats to representatives of the landed interest.’ He said —

‘The late lamented Sirdar Partap Sinha, one of the most talented members of the landed aristocracy, in the opening address delivered at the inaugural ceremony of the ‘Punjab Chiefs’ Association,’ said —

‘The first matter to consider in this connection is whether an aristocracy is a necessary and a natural institution? It goes without saying that the historical evolution of every aristocracy in the world must have been in its growth originally out of a group of selected human beings, whose natural advantages were perpetuated. If we view the world from the standpoint of natural science and admit that the universal laws regulating the organic world or also the fundamental and governing principles of human sociological life, we must assert that the institution of an hereditary aristocracy is not only a normal and natural state of thing, but that in some respects is even useful for a nation’

“Burke, the greatest orator of England, also observes.—‘Nobility is a graceful ornament to the civil order. It is the Corinthian capital of polished society. “All among us who are good men always support nobility,” was the saying of a wise and good man. It is indeed one sign of a liberal and benevolent mind to incline to it with some sort of partial propensity. He feels no ennobling principle in his own heart who wishes to level all the artificial institutions which have been adopted for giving a body to opinion, and permanence to fugitive esteem.’

“Leaving other countries apart,—in Bengal, Bihar, and the United Provinces, landholders have always existed and played a most useful part in the history

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of India. The late lamented Mr R C Dutt, *1808*, the greatest statesman that India has ever produced, says — 'Speakers and writers on Indian subjects sometimes make the mistake of supposing that Zamindars were mere middlemen and rent-collectors under the Muhammadan rulers, and that they were raised to the status of landlords, in the English sense of the word, by Lord Cornwallis. This is not the fact. Zamindars have not only been *de facto* landlords, but also *de facto* rulers within their own estates, since the dawn of history. They performed the same necessary and useful part in the history of Bengal, previous to the British rule, that the barons of Europe performed, or were supposed to perform, in the middle ages. They preserved peace and order within their own estates, repressed crimes and punished offenders, adjudicated cases and protected labourers and cultivators, and represented and maintained the royal authority and influence.'

'India being an agricultural country, the Indian nobility are still regarded as the natural leaders of the people. As an illustration of this I would quote from Lord Canning's minute of the 17th June 1856, paragraph 27, where he refers to the inherent loyalty of the masses to the Indian aristocracy —

'It might have been expected that, when insurrection first arose in Oudh, and before it had grown to a formidable head, the village occupants, who had been so highly favoured by the British Government, and in justice to whom it had initiated a policy distasteful to the most powerful class in the province, would have come forward in support of the Government, who had endeavoured to restore them to their hereditary rights, and with whose interest their interests were identical. Such, however, was not the case. So far as I am yet informed, not an individual dared to be loyal to the Government which had befriended him. The village occupants as a body relapsed into their former subjection to the Taluqdar, owned and obeyed his authority as if he had been their lawful suzerain, and joined the ranks of those who rose up in arms against the British Government.'

'Sir John Strachey, one of the most far-sighted and sympathetic statesmen that ever came out to India, in 1884, observed —

'India is doubtless a country in which it would be more than ordinarily foolish to ignore the consideration due to families whose position and claims may have been recognized for centuries, and which in the eyes of the people still retain their titles to honour.'

'Sir Stafford Northcote, Secretary of State for India, approved of a proposal for a Permanent Settlement in 1837, 'in consideration of the great importance of connecting the interests of the proprietors of the land with the stability of the British Government.'

'The following remarks made by the late Viceroy, Lord Minto, in reply to the address of welcome, presented by the 'Punjab Chiefs' Association,' clearly show what importance is attached to the views of the landed class by the Government of India. —

'It is very encouraging to recognize in your Association a common effort on the part of those, who are natural leaders of the people of this province, and who have the greatest stake in its prosperity, to unite together in the representation of interests which not only affect themselves but the population amongst whom they live. You are the great landowners of the province and the hereditary leaders. As representatives of the people, you know their daily life and their daily wants, and it is to you that the Government of India must look for information and for guidance.'

'In reply to the address of welcome from the Taluqdars of Oudh, Lord Hardinge said, —

'You represent the great landholders and the most influential class in a very important part of India.'

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"In reply to a similar address of welcome from the landholders of Bengal, he said —

'I feel confident that with your help and that of others of your class all over India, and with the greater wisdom we may obtain from our large Councils, we may look forward to an era of progress and prosperity'

"In paragraphs (2) and (3) of Sir Harold Stuart's letter, dated the 24th August 1907, the Government of India say that the landed classes have now become qualified to take a more prominent part in public life, and to render a larger measure of assistance to the Executive Government, and that it is now essential to make adequate provision for representing the landed aristocracy in India

"In the despatch of the Government of India to the Secretary of State, dated the 1st October 1903, to which your Honour was a signatory, the Government of India say —

'We have carefully considered the proposals of Local Governments on the subject and the large body of non-official opinions submitted. In our judgement these papers bear out to the fullest extent the conclusion that representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils'

"In this despatch a great array of authorities have been cited in support of this opinion

"It is too late in the day now to refer in this Council to the importance of having the landed interest in each province adequately represented on its Local Council. But I cannot resist the temptation to quote the following very pertinent remarks on the subject made by Lord Morley in his despatch to the Government of India, dated the 27th November 1908 —

'I agree that the Legislative Council should reflect the leading elements of the population at large, and that no system of representation would be satisfactory, if it did not provide for the presence in the Councils of sufficient representatives of communities so important as are the Muhammadans and the landed classes'

"In the speech made by the Hon'ble Mr. Gokhale in the Imperial Legislative Council on the 24th January 1911, he said — 'I think, at our present stage, special electorates cannot be avoided, and what I have said about the Muhammadans also applies to some extent to the landlord community. In no country throughout the world is it attempted to lay down that elections should be confined to those who represent education. All property, in its largest sense, must certainly have a fair share of representation in this country.'

"The following remarks which fell from our late Viceroy, the Earl of Minto, after his retirement, while addressing the 'East India Association' in London, clearly indicate the principles of representation which underlie the Reform Scheme that has so rightly been associated with his Lordship's name. —

'I am afraid the day is very far distant when the masses of the people of India can expect their interests to be fittingly represented by their own countrymen elected on a purely numerical franchise. I believe at the present moment the best friends of the masses of the people of India are British Administrators, and, in addition to their able assistance, the committee which I appointed aimed at framing a Bill which would provide representation for those great factors in India which have a real stake in the country, we felt that on such lines the representation of the real and general interests of the country would be more soundly assured than by any franchise based on a numerical system alone. In August 1906, when I was about to appoint the committee I have referred to, to consider the reforms which we then had under discussion, and of which Sir A. T. Arundel was the Chairman—whom I am so glad to see here to-day—the very first instruction I gave to my Council when I was appointing that committee was that I should at present limit

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myself to only one opinion, namely, that in any proposal for the increase of representation it was absolutely necessary to guard the important interests existing in the country, as expressed in paragraph 7, page 3 of the Report of Sir C. Aitchison's committee, namely, (a) the interests of the hereditary nobility and landed classes, who have a great permanent stake in the country, (b) the interests of the planting and commercial European community, (c) the interests of the trading, professional and agricultural classes, and (d) the interests of stable and effective administration.

"In a country like India, the main industry of which must for all time be agriculture, there is no portion of the body politic of the same importance as the landholders. In the United Provinces, 32 millions of persons were returned in 1901 as dependent on agriculture, or more than 66 per cent. of the total population. The agricultural community of the United Provinces form the backbone, the pith and marrow, of the vast and multitudinous population of these provinces. 'The nation dwells in the cottages' is the memorable utterance of England's great orator. Landholders are undoubtedly the leaders of the rural population,—and, living in their midst, are thoroughly well acquainted with their wishes and needs. They alone can be looked upon as the real representatives of the people inhabiting rural areas. They alone are really in a position to supply true information as to the feelings of the vast rural population, and to give sound advice in matters concerning the agricultural community. Being in close touch with the people, it is they who can best explain to the masses the intentions and objects of the Government with reference to the measures which the Government desires to introduce. Who can more thoroughly enjoy the confidence of the rural population than can the lineal descendants of those who amidst the roar of cannon and the shouts of besieging armies risked their lives and property to save the families of their tenantry?"

"If there is any class which is most affected by the laws, measures and policy of the Government, it is that of the landholders. That being so, the need for the adequate representation of the landed gentry cannot be over-emphasized. The landed aristocracy possess a material stake in the country, and represent the most powerful and stable elements of Indian society. Their advice will, therefore, tend to make the Government in this country more stable than the advice of those who have no stake in the country.

"Having thus shown the paramount necessity of the adequate representation of the landed interest in the United Provinces, I now think it my duty to call the attention of the Council to what I consider a grave anomaly in the regulations for the allotment of seats to different interests to which the Government has allowed the privilege of representation on the Local Council.

"The number of seats thrown open to the landed interest is only two, one being assigned to the province of Agra which comprises eight large and populous divisions and the other to Oudh with its two divisions. I call this a grave anomaly, because the regulations in respect of the same matter in every other part of India have been much more liberally framed with regard to the representation of the landed interest. In the Madras Presidency, where the system of *rayatwari* settlement prevails to a very large extent, and where, therefore, Zamindars have not the same importance as in other parts of India, where they are directly settled with by Government, the number of seats allotted to the landed interest is five. Similarly in the Bombay Presidency, where the state of things is the same as in Madras, the number of seats allotted is three. In the Presidency of Bengal, where the Zamindars form an important part of the population, the number of seats allotted is four and five at alternate elections,—and the same number, *v. e.*, 5, has been allotted to the newly-created province of Bihar and Orissa. The province of Assam

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with its two divisions returns to its Council two members to represent the landed body In the Legislative Council for the Central Provinces and Berar, which is to come into existence shortly, there will be three members representing the landed interest In the Punjab Legislative Council the number of nominated non-official members who are all landholders is larger than that of elected members.

"These being the figures, one can hardly understand why the United Provinces should be treated so differently from Bengal and Bihar

"I need hardly remind this Council that the landed proprietors of the United Provinces of Agra and Oudh can, in many instances, trace their genealogy back to remote times, to the days of Rama and Krishna of Ayodhya and Mithra. Their ancestors from whom they claim descent in an unbroken line of male progenitors played important parts in the political life of the country in the days of the Hindu kings, and they were the leaders of thought and action under the several Muhammadan dynasties that established themselves at Delhi, especially under the Mogal sovereigns in whose time the Muhammadan power in the country was at its greatest

"It may be that some of these descendants of noble families have now fallen from their high estate; but the bulk of them still retain their ancestral lands, still command the respect and allegiance of their tenantry and of the surrounding population, and still maintain those venerated traditions of loyalty, in which, more than in the glitter of arms, every Government must always find its greatest and most invulnerable strength.

"The annals of various districts of the United Provinces, compiled by order of the Government, have made easily accessible to the public what previously existed as local traditions handed down from sire to son,—the story of the services which the great landed families of the locality rendered to the British Government during the early days of the British rule, when peace and order had to be introduced into cities and villages long abandoned to misrule and anarchy, or in those days when local disturbances, of which the most serious was the Indian Mutiny, allowed the landed aristocracy and gentry to show the mettle they were made of by arraying themselves on the side of law and order, often under trying circumstances.

"These records of the feats of arms of their ancestors, and the ingrained traditions of heroic deeds and steady devotion to duty, still inspire in their descendants, even in these times of peace, active feelings of chivalrous loyalty

"On the 28th April 1911, when the freedom of the city of Edinburgh was conferred upon the Earl of Minto, in recognition of his distinguished services to the Empire as Viceroy of India, his Lordship said:—

'Throughout these trying times I had no stronger or more loyal supporters than the ruling chiefs of India and the great territorial magnates of the land.'

"That the Government should have more of this valuable asset in the Councils of the Empire is eminently desirable, and, from the figures I have given above, the Council will note that this principle has been accepted in the greater part of British India, where Legislative Councils now exist.

"In the United Provinces the number of Rajas and Nawabs (including Maharajas) is 118, and the number of holders of minor hereditary titles 37. The only other province which at all compares with these provinces in this respect is Bengal, the figures for which are Rajas and Nawabs (including Maharajas) 47.

"Judged by this standard also, the United Provinces stand first in India.

"I fail to appreciate any reason why the landed interests in these provinces, which certainly are as important as, if not more so than, similar interests in Bengal and Bihar, should be so inadequately represented. The only argument that could be advanced on the other side is that in certain instances prominent landholders

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have succeeded even under the present regulations to get themselves elected as representatives of Municipal and District Boards in certain divisions.

"To that argument, if it should appear plausible to any member of this Honourable Council, the reply is twofold

"If three landholders have found their way into the Legislative Council of these provinces from constituencies other than that of landholders, the same thing has been done in other provinces as well, where the representation allowed to the landed interest is much larger. Zamindars have got only a few seats on the District Boards of these provinces as at present constituted. The number of seats occupied by them on Municipal Boards is still fewer; and the occasions when a member of the landed aristocracy has been returned as a representative of a division have been very few in the past. And as certain power-seeking classes resent such intrusion—as they call it—they must be of very rare occurrence in the future

"The second point in this connection that ought to be considered is—that there is a considerable body of public opinion in favour of the view that the representative of a division has to vote according to the mandates of his constituents, and he is not free to vote according to his own judgement and conscience. Whether that view is right or not, it is not for me at the present moment to say, and if I refer to the subject at all, it is simply because it forcibly illustrates that the landed interests cannot possibly be represented in this indirect way, even assuming for a moment that some elections would result in favour of landed magnates in any particular division

"In the letter to the Secretary to the Government of India, dated the 16th March 1908, in which the late Lieutenant-Governor, Sir John Hewett, submitted his proposals regarding the representation of various interests on the United Provinces Legislative Council, he said, —

"All the gentlemen who have represented District Boards in the past fourteen years have been Taluqdars of Oudh or large landholders of Agra. The representatives appointed to the seats thrown open to election by Municipalities during the same period have been only four in number, one of those, a Taluqudar of Oudh as well as a lawyer, has been elected at each of the seven elections while two lawyers were each elected three times respectively, and the fourth, a landholder, once. Thus half of the representatives of Municipalities have been gentlemen with a substantial stake in the land, and out of the twenty-eight representatives of District Boards and Municipalities in the past fourteen years twenty-two have been landholders'

"This explains the reason why he proposed to allot only two seats to the landed interest. In the Legislative Council as it existed before the Reform Scheme, the elections resulted in the preponderance of the landed interest. Sir John Hewett must have naturally thought that the like would happen under the enlarged Council. But this has not proved to be the case. In addition to the two seats allotted to the landed interest, landholders have been able to secure only three seats out of 21 thrown open to election.

"When it has become a custom with a certain party, unconnected with land, to denounce the landed aristocracy, and to make attacks upon their rights which they have enjoyed from time immemorial, it seems absolutely necessary that the number of the representatives of the landed interest should be sufficiently increased to safeguard the rights of their class. Mr. Chintamani, Editor of the '*Leader*,' who presided at the last Industrial Conference held at Fyzabad, said:—'It is my conviction that occupancy rights should be given to all tenants'

"There is an additional reason why, in the province of Agra and Oudh there should be more than one representative of the landed interest for each province.

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Part of the province of Agra is under the same system of permanent settlement of land revenue as Bengal and Bihar,—and in other parts the system of temporary settlement, which commended itself to a later generation of administrators, is in force. The tracts vary from the alluvial plains of the Ganges, the Jumna and the Ghaggra, to the hilly jungles of the Kumaun division, or the thirsty acres and the black soil of Bundelkhand, and tenant rights vary in different parts of the country.

"Intimate local knowledge of these various conditions would be a valuable asset in the Local Council of the United Provinces, where, as Sir John Hewett truly observed, agriculture is at present, and is likely to remain, the chief occupation of the people.

"It is true that the heads of the Local Government, by nominating territorial Chiefs like H H the Nawab Sahib of Rampur, the Kunwar Sahib of Benares and some members of the landed aristocracy, have sought to minimize the evil I have ventured to point out. But that is, after all, an unsatisfactory state of things, and depends on the varying predilections of individual rulers. What should be aimed at is that an adequate representation of the landed interest should be made a part of the constitution,—and the Resolution that I have the honour to place before the Honourable Council has that object in view.

"The increased number of seats for the landed interest,—if this resolution is accepted,—may be provided by raising the number of elected members to 23. In view of the fact that the late head of the Provincial Government expressed himself on several occasions as highly satisfied with the working of the enlarged Legislative Council, it is desirable that the Government should increase the elective element in the Council. There are 28 elected members on the Bengal Legislative Council.

"Having regard to the vast population of the United Provinces of Agra and Oudh, to the multitudinous interests of its ancient cities, and of its waving cornfields which claim representation in the councils of the nation, the number of seats in the Council might well be increased by two, without making that body unwieldy or unmanageable.

"I beg to-day to draw the attention of the Government and of the honourable members of this Council to the inequality in the representation of the landed interest of which the United Provinces of Agra and Oudh can justly complain, and I have no doubt the matter will receive the careful consideration of both the Local and the Supreme Government; and that in my humble efforts to have this inequality, which affects an important class of the community, removed and redressed, I shall have the sympathy, support and co-operation of the honourable members of this Council, both official and non-official."

The Hon'ble LALA SUKHBIR SINGH said:—

"Your Honour, with your permission, I want to say a few words about this resolution. Out of the whole Council at present there are 21 elected members, out of these 21, two are elected by the landowning classes—one from Oudh and the other from the Agra Province. Oudh consists of twelve districts, while Agra consists of thirty-six districts, some of which have a permanent settlement and have their own laws and regulations. I think it is an anomaly that Oudh should have the right of having one representative, while Agra having thirty-six districts should also have the right of having only one representative. I think it is a fair request to make that the Agra province should have a right to send at least two representatives from its thirty-six districts, that is to say, instead of two there may be three Members from the landowning classes. I do not want that the number of elected members from the province may be reduced. What I beg to suggest is that this one number may be taken from the nominated members, that is, Government may be pleased to reduce its nominated members by one and increase

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[*Rai Gokul Prasad Bahadur, Rai Bishambhar Nath Bahadur, Khwaja Ghulam-us-Saqlain*]

the elected members, one from Oudh and two from Agra With these few remarks I beg to support the resolution."

The Hon'ble RAI GOKUL PRASAD BAHADUR said —

"I rise to oppose the motion Before speaking on the resolution I would like to make my position clear I also possess a little landed interest in the Benares Division I would concede for the sake of argument that the due representation of the landed interest on this body is absolutely essential, but we must bear in mind that there is such a thing as over-representation and we must guard against it As the Council stands at present there are at least 14 representatives of the landed interest, e.g. Maharajas, Rajas, Nawabs and smaller fry, like myself, and I venture to think that it cannot be reasonably urged that there is any danger of the interests of the landlords being not looked after If the number of elected members is to be increased, I would venture to submit that the election of one more member from the commercial community, which in my humble opinion is as important as the landlords, would be very welcome"

The Hon'ble RAI BISHAMBHAR NATH BAHADUR said :—

"I am afraid I do not see my way to support the resolution of my honourable friend In my opinion the interests of the landholders at present are sufficiently represented in this Council Leaving aside the case of such honourable members as have been returned by constituencies consisting of the landholders, are there not many members amongst us who are zamindars, and as such can they be forgetful of the interests of their tenants or of the members of their class? If it be considered necessary to increase the number of the representatives of the landholders in this Council, is it not still more necessary to give the bigger municipalities in these provinces the privilege of returning their representatives for three years instead of for six, as is the case at present With these few remarks I beg to oppose the resolution of my honourable friend."

The Hon'ble KHWAJA GHULAM-US-SAQLAIN said —

"This resolution and the discussion started thereupon leads my memory back to the memorable farewell utterance of His Gracious Majesty King George V asking for union and cordial relations between the various classes and communities of India. But this resolution and the resolutions of the Fyzabad Provincial Conference against the zamindars, to which this appears to be a counterblast, shows that the trend of ideas in these provinces and at least in the majority of the politicians and courtiers, is quite in the contrary direction. That celebrated Urdu poet Zauq in a pantheistic verse has finally said کہ کل کا تماشا مسدود ہے (the whole glimmers to me through the part). A straw shows which way the wind is blowing. Two more seats for the zamindar are asked for, the question naturally arises, from where are they to be taken out? Naturally from the non-zamindars or they must reduce the proportion of the latter. Thus a rivalry of class against class is intensified.

"Yet in justice I must admit that the fault does not lie chiefly with the zamindars. I had the honour to attend the late Provincial Conference of Fyzabad less than two months before, which was held under the learned and able presidency of Dr. S. C. Banerji, with most of the resolutions of which I cordially agreed. Yet it was my unwelcome duty to fight against the pushful tendencies of what are called the middle class educated Hindus and to warn my friends against attacking the zamindar representation or proclaiming their poverty and paucity in representation, for the others may turn back with more justice and greater effect against them. I prayed that the same mistake which the predominant class committed under the Indian Councils Act 1891, when by an unfortunate lack of far-sighted statesmanship out of thirty members they elected for the Provincial and the

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[*Khwaja Ghulam-us-Saghar , Rai Gunga Prasad Varma Bahadur*]

Imperial council in 18 years none was taken out of any but the predominant class, as if others did not exist in these provinces. This was a policy which every lover of the country must deeply and sincerely deplore, as it has on one point definitely fixed the opinions and sentiments of the Muslims. I apprehend, I remarked there, that the predominant partner was looking rather coldly on such of its own community that were less favoured intellectually and educationally.

"My earnest warnings were naturally disregarded. It makes one almost pessimistic of the future of this unfortunate country where the energies of public men are devoted to produce further cleavage and to bring into prominence questions that are sure to wound the self-respect or prejudicially affect the interests of large classes, simply for the pleasure of excitement. A spirit of monopoly, may be pardoned under certain circumstances, but in the name of humanity do not raise it to the dignity of a sacred principle

"To briefly illustrate this latter day spirit of cleavage and split, I may say that a few weeks ago myself and a number of other persons were happy to observe that in spirit of give and take by mutual toleration and concession a beginning was to be made for the removal of a semi-religious and semi-economic question that has more than once led to unfortunate quarrels in the past. But what happened was this that in the midst of these hopes some understanding was made with the powers that be, and the friendly talk and deputation were suddenly dropped as if it was a live coal. Why was it so? Because we have only politicians eager for petty temporary triumphs and not statesmen amongst us. The result is that all mutual remaining confidence is almost lost, and if Your Honour would pardon me I must say that the result has been the enunciation of a principle by which religious toleration, individual conscience, even morality and jurisprudence may become the play-things of mobs modified with occasional interference by the armed authority.

"I say this with the greatest earnestness and to use a Shakespearian phrase in Hamlet 'more in sorrow than in anger'

"Sir, the dynamic tendencies and a love of party and puny triumphs whether exhibited by the educated middle class Hindu or the pushful Mussalman would not solve the intricate problems of law, sociology and administration. Hackneyed principles and showy phrases have long held the field. It was the duty of the older brother to show us the way, but that brother does not care for his poorer younger brother and wants to take the whole patrimony

"Coming directly to this resolution, I must say that the Mussalmans as such are mighty impartial, because there is hardly any chance, whether the zamindar representatives be 2 or 4 that they would be elected, unless a revolution takes place in the sentiments of the country, but they think that the zamindars as such have fewer seats than their number and importance justly demands, though otherwise as members of district boards they have a vast influence in the present electorate. If the electorate is modified, they should have more seats, otherwise the present arrangement is not quite unfair. For the rest I would for once leave the matter in the hands of the Government, for I trust this quiet class of zamindars would not get less than justice. In short, in the common Urdu parlance, I would raise my hand with the *Laf Sakab* "

The Hon'ble RAI GANGA PRASAD VARMA BAHADUR said:—

"I rise to oppose the resolution moved by my friend the honourable Raja Kushalpal Singh. I am afraid he has not been able to make his case convincing as to why he requires four representatives of the zamindar interest in the Council instead of two. If the professions to which the non-official members of this Council belong were to be analysed, he will find that besides the Hon'ble Babu Moti Chand and the Hon'ble Rana Sir Sheoraj Singh who hold their seats in the

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[*Ras Ganga Prasad Varma Bahadur, Dr. Tej Bahadur Sapru*]

Council as representatives of landholders of the province of Agra and Oudh, the representatives of Fyzabad, Benares, Gorakhpur, Agra and Rohilkhand divisions are landed proprietors, and so are the representatives of the municipal bodies of Fyzabad, Cawnpore, Baroolly and Benares. The Muhammadan representative of Oudh is also a taluqdar. I need not tell my friend Raja Kushalpal Singh that the nominated Indian members consist mostly of territorial magnates and the biggest zamindars of the province. In the presence of such representatives of the zamindari interests I do not know how can it be suggested for one moment that the zamindari interests are not fully safe-guarded and that they require further protection in the shape of additional special representation. This is neither the place nor time for me to point out the glaring defects of the regulations under which our Council has been constituted, but I may in passing say that if anything has caused the greatest disappointment to the great bulk of the community, it is the fact that the regulations have been so framed as to give preponderating representation to the landed classes, to the exclusion of the middle classes as also the different professions and occupations. Two elections of the Council have taken place, but yet the middle classes have gained very inadequate representation. There is not a single representative of the tillers of soil, or of men who carry on the industries of the province. I hope that when the regulations will be revised, as they should be at an early date, the revision will not be in the direction suggested by the mover of the resolution but with a view to introduce a larger popular element in the Council."

The Hon'ble Dr. TEJ BAHADUR SAPRU said —

"When I received notice of this resolution, I myself intended to send in an amendment to the effect that the seats given already to the zamindars might be reduced by one. As, however, I had not done that I shall not waste the time of the Council by referring to the matter.

"Now let us look at the constitution of the Provincial Council. The present Council nominally consists of 2 members who have been returned by the landholding classes. But as a matter of fact, as has been pointed out by the previous speaker, the number of gentlemen in this Council who are connected with the landed interest is large—in fact very large. Now, my honourable friend the mover of this resolution has asked this Council to increase the number of representatives of the landed classes because there are certain interests of the zamindars which require protection. That seems to be the main ground. In the first place, I do not know what those special interests are. But assuming that there are certain special interests of the zamindars which require protection, then I think that if such a large number of zamindars as are in this Council cannot protect those interests, they must be in a hopeless condition and any addition to their number will not secure any further protection of those interests than is possible now.

"Now, Sir, my honourable colleague has said that the zamindars are the true, natural leaders of the country: that they have a great stake in the country in fact to quote his own words what he has said is this. The landholders are undoubtedly the leaders of the rural population and living in their midst are thoroughly well acquainted with their wishes and needs. They alone can be looked upon as the real leaders of the people. Now, if there is one part of the speech which I mean to contest, it is this. I think it is unfortunate that this expression 'natural leaders' should have been used so indiscriminately during the last few years, and I must enter my strong, though respectful, protest against the assumption that the zamindars represent in any sense of the word the tenants. I am prepared to admit that if there is any class of people in this country who really represent the tenants it is the Government officials and not the zamindars. Now, if I was asked to give any positive proof of the statement which I am making I would refer to the land legislation undertaken by the Government from time to time. It is not

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[*Dr Tej Bahadur Sapru ; Shaikh Shahid Husain.*]

very many years ago that the present land bill was passed during the Government of Sir Antony MacDonnell and when Sir Antony MacDonnell sought to extend further the occupancy rights or rather to give further protection to the occupancy rights—I remember I was then a spectator of the debate—vehement protests against the proposals of the Government were made—by whom? Not by the popular leaders of the people but by the zamindars themselves. I hope to be better able to illustrate what I am saying to-day when the forthcoming land legislation comes up in Council, when the strongest protests will come from the zamindars.

“Sir, my reading of the history of India is entirely different to that of my honourable friend Raja Kushalpal Singh. Go back to the times of Mannu or to the Muhammadan Emperors. What do you find? It is not the landed magnate, it is not the man who now poses as being the natural leader of the people who has at any time led any movement in India. It is the man of intellect, the man of character, the man who has been capable of sacrificing himself for the interests of his country, who has been looked upon by the average man as the leader of the people. With the possible exception of Buddha, the history of India does not record any other instance of any great landed aristocrat who has been in the vanguard of the progress of the country. It is perfectly true that at the present moment the zamindars are beginning to take an interest in our affairs, but again I will remind them that this is not because they are zamindars or because they are the natural leaders of the people, but because many of them have been brought under the influence of English education and find that it is impossible for them to retain their position unless they bring themselves into line with popular movements.

“Therefore, Sir, I repudiate and repudiate unequivocally, this pretension about natural leadership. I think the sooner the Government realizes that the natural leadership of the people is not a monopoly of any particular class of the people, the better for the people and the Government. I do not claim that there is any particular class of the people in this country who can claim that monopoly. I say those people are alone entitled to be the natural leaders who work for the people and who are in sympathy with the tenants who dwell in the cottages. It is not the zamindars who dwell in the cottages they dwell in palaces and forts. Again, there is one more remark which I will make with regard to this matter before I sit down and it is this. It has not been pointed out by my friend as to how he means to secure the addition to the number of zamindars in this Council which constituency is going to be sacrificed for the zamindars? My honourable friend has made a pathetic appeal to the Government, and the justification which he has put forward for this further demand is that the zamindars are a loyal body. Well, so are the others. The seats in the Council are not to be given merely as a reward for loyalty rendered in the past or for professions of loyalty at the present moment. Now with regard to the other provinces, my friend has invited the attention of the Council to the larger number of seats reserved for zamindars. My answer is that in the first place in those provinces the zamindars as a body are much more enlightened—take Bengal, take Madras, take Bombay—and my answer in the next place is that in some of these the Councils are by their constitution certainly larger than is the case with our own Council, and in the next place there is not the same difficulty with regard to the electorates as we have here by reason of the amalgamation of the district and municipal boards. Now, Sir, on these grounds I enter my strong protest against this resolution and I oppose it.”

The Hon'ble SHAIKH SHAHID HUSAIN said:—

“I am not at all surprised that the simple and harmless resolution of my friend the Hon'ble Raja Kushalpal Singh should have been so hotly opposed by the so-called champions of the middle classes. I am surprised at one thing however,

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[*Shahk Shahid Husain*]

that full justice has not been done by the so-called middle classes about the language occasionally used by them, about the powers of taluqdars, rajas and zamindars. My learned friend the Hon'ble Dr. Sapru has strongly protested against the landed proprietors calling themselves 'natural leaders', and has put it in a question form as to what are the special interests they require to guard. The question that they are the natural leaders of the people and the question whether his interpretation of the history is correct I think have been answered by the evolution of the Hindu and Muhammadan societies in this country. The caste system has been the natural evolution and it has been based on a systematic progress of events, in that the landlord was undoubtedly chosen and treated as the natural leader of the classes. That caste system still holds good, and whatever encroachments that have been made upon it up to this time have proved a failure. I do not know when the Hon'ble Dr. Sapru's history was framed, but if he will look to the genuine histories he will find that so far the material development of the country has been entirely due to these landed interests. My learned friend has tried to get the sympathy of the official voters in this Council by saying that the greatest champions of the ryots are the officials. I go further than that and say that the officials are not only the champions of the ryots but they are the champions of justice and champions of every body, whether they are ryots, landed classes or whatever they are. It is due to them and to their method of Government that the country is progressing so rapidly and so fast that to day, not so long after the assumption of power of the middle classes, my learned friend rises to say something against the landed interest. I can say this much, and these very officials to whom he has appealed will prove the fact, that at present and as long as those landed interests which comprise the tenantry are not duly represented in the Council, the old zamindars are the true and natural representatives of those classes. It will invariably be the experience of these officials that wherever the properties have passed away from the hands of those families to the hands of the new middle classes the tenantry had not been so comfortable and lightly taxed as they were when the properties remained in the hands of the old landed interests. My learned friend has said that the true representatives of the people will be those who work with the people, and I say this distinction is met by the landed classes alone who live with them, who work with them and who come in daily contact with them. Certainly the interests of those classes cannot be represented by people living in cities, who have absolutely no knowledge of the condition of life of the poor tenantry. What is there in these two seats that should have given so much offence to the middle classes goes beyond my comprehension. And if two seats have been asked for on the popular basis and not on the basis of any special representation so that a true and competent zamindar might be determined in the Council to assist the Government and that class might be represented in a manner worthy of its position and importance. I do not think my friend the Hon'ble Rai Ganga Prasad Varma Bahadur will grudge this principle that every class and every community should have its proper representation in the Council. Another point was raised by the Hon'ble Rai Gokul Prasad, who said that the commercial community ought to be represented. I am quite positive of this fact that no representative of the landed interest will oppose that the commercial community should not be duly represented. It should be, but at the same time why grudge the zamindars a proper representation of theirs? It is a matter purely of accident that so many zamindars are represented in this Council. It convincingly proves that the middle classes have not come up to that standard of education and influence yet so as to oust them. He says that there is a paucity of leaders among the middle classes, and that further proves the other part of my argument that had it not been for the fact that the zamindars are the natural leaders of the people there would not have been so many members in this Council. What my learned

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[*Pandit Moti Lal Nehru*]

friend the mover is afraid of is that as time goes on these conflicting interests may lead to a diminution of the landed classes due to the narrowmindedness of the city life. I think the apprehensions of the honourable mover are true to a great extent. People who live in the city do not breathe the pure air and scent the broad atmosphere. His fears are well grounded and the honourable mover has very modestly suggested that only two seats should be increased till the time the tenants are able to make themselves heard, and then it will not be our turn but the turn of the middle classes of the city to help themselves. I support the motion."

The Hon'ble PANDIT MOTI LAL NEHRU said :—

"I am afraid I cannot congratulate the honourable members on the turn they have given to this discussion. The proposal before the Council as put by the honourable mover was, or at least looked, an innocent one. No doubt the honourable mover indulged in a certain amount of self praise of himself and his community. Other members who do not belong to that class might well have left him in the enjoyment and the consciousness of the happiness which it gave him for having collected all the testimonials given from time to time by great men to his community. In any case the attitude adopted, both by my learned friend the Hon'ble Dr. Tej Bahadur Sapru and the Hon'ble Shaikh Shahid Husain, is hardly the attitude with which the question should have been approached. I quite agree with my friend the Hon'ble Munshi Gokul Prasad in the view he has taken. He has informed the Council that he himself has some landed interests, and I may inform the Council that my friend the Hon'ble Dr. Tej Bahadur Sapru, who has been too modest to say so himself, is also a gentleman who owns considerable landed property as a member of a joint family. Well, we have at least this satisfaction amongst those who call themselves, or, in the words of my friend the Hon'ble Shaikh Shahid Husain, are the so-called middle class, that they are not particularly anxious to put forward their claims of natural leadership upon the ground of their being lauded magnates or owning landed property. In any case, as I began, I will not allow myself to indulge in the recriminations which have to a certain extent passed between my two friends the Hon'ble Dr. Tej Bahadur Sapru and the Hon'ble Shaikh Shahid Husain. I would put my case on the same ground as my friend the Hon'ble Munshi Gokul Prasad has put it. There is no doubt that the desire for larger representation of an already over-represented body, when it proceeds from one of that body, is easily accounted for, and we need not go into any other reasons and compare one body with other bodies of persons. It is enough that the zamindars are not inadequately represented, whether elected by zamindars or elected by divisions or municipalities. The Hon'ble Munshi Gokul Prasad's calculation is that there are 14 such members on the Council. My calculation was 18. But taking my friend's calculation to be right, out of a council of 47 it cannot be unfair to say with regard to common sense that the number is too few.

"Now, where is the occasion for the resolution which has been so ably put by my learned friend? If it is a fact that the zamindars are adequately represented, that their interests are in safe hands then why institute comparisons between them and other classes of people in these provinces and other provinces where they are not perhaps similarly situated? Your Honour, we have the unique distinction of having a Ruling Prince and the son of a Ruling Prince as members of this Council, and, as was said by my learned friend the Hon'ble Dr. Tej Bahadur Sapru, these members are strong enough to take care, not only of themselves but of the interests of their class. If, however, they are unable to do this, I quite agree with my friend in saying that the case must be a hopeless one which wants more supporters notwithstanding that it has so many on this Council. In any case the issue is whether in this Council the zamindars are or are not adequately represented. If they are not they are entitled to have more, and I put it to the mover whether he

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[Mr. Burn]

does not consider that his interests and the interests of the landed classes as a whole are adequately represented. He says in his speech, that there were three or four who had got in otherwise than by the votes of the zamindars. I do not think my friend took the trouble to make a correct calculation. Was he not aware that certain honourable members who had not put forward a claim to be classed as zamindars were nevertheless zamindars, though not zamindars of his magnitude. Still they are zamindars and pay a good deal of Government revenue. My own calculation is that there are 18 such. But, whatever the number may be, it is certainly more than 3 or 4, as my friend says. That being the case, I ask the Council to come to a conclusion upon this point merely on that and not take into consideration any of the comparisons which have been instituted by the Hon'ble Dr. Tej Bahadur Sapru and the Hon'ble Shaikh Shahid Husain and with those remarks, Sir, I oppose the resolution."

The Hon'ble MR. BURN said:—

"The debate to which we have just listened has been one full of interest. It is very common in this country to get unprejudiced opinions of other people and to day we have also listened to honourable members giving out their unprejudiced opinions of themselves. As the honourable members are fairly evenly divided we are in a position to form some opinion, but I do not think it is necessary that Government should attempt a task of such delicacy. The other day in Madras His Excellency the Viceroy, in replying to an address from the Mahajana Sabha and the Madras Provincial Conference Committee, spoke as follows:—

'In reply to the references you have made to the rules and regulations for the working of the Legislative Councils I would like to remind you that constitutional changes are, in no country, of rapid growth. The new scheme of reforms only came into effect in 1910 and the year 1913 is not yet finished. The only changes that have been made in the new constitution of the Councils and the regulations which govern them were powers required to give effect to the changes announced at the Delhi Darbar and remove minor defects in the new machinery which interfered with their smooth working.'

"In these provinces we had from 1892 to 1907 a Council consisting of only 15 members. In 1909 that Council was enlarged to its present number of nearly 50. It seems to me that a reform tripling the number of members, very largely increasing the number who were elected, altering the proportions of officials and non-officials and giving to the Council very enlarged powers in regard to the discussion of matters affecting the administration, is one which should not be lightly altered. The honourable member has said that in the last elections the landholders were able to secure only three seats in addition to the two which were reserved by them. Those figures have been challenged by several other members. In fact I think that the honourable member must have omitted to count one of his principal supporters. He appears to have taken the view that if a landholder has any other profession or occupation he ceases to be a landholder. By parity of argument one might charge the honourable member himself, who is a keen student and politician, with having ceased to represent the landholders adequately. That, Sir, is proceeding *ad absurdum*. In the late Council it was calculated that 53 per cent of non-officials had represented the land. In the new Council, if we take into account not only the elected members but also members nominated by the Lieutenant-Governor, we have 14 members out of 27 non-officials, or 52 per cent. As I said, when I first rose, the alteration of the regulations under which the Council is constituted is no light matter. It is the opinion of Government that the representation obtained by landholders is not unsatisfactory, and for this reason I would ask honourable members to oppose the resolution."

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[*Raja Kushalpal Singh*]

The Hon'ble RAJA KUSHALPAL SINGH said —

"A person can belong to more than one class. If a person of a professional class happens to own some land he cannot be considered as belonging to the landed class. If a person who makes his living by some profession owns some land, he must naturally be considered as belonging to the professional class. The Hon'ble Dr. Tej Bahadur Saprú and Rai Gokul Prasad Bahadur are not such landholders as are qualified to represent landholders on the United Provinces Legislative Council. They are not *bond fide* landholders. The landholder class is taken to be very catholic and all-embracing. But persons who are only nominally landholders and whose interests are hostile to those of landholders cannot be considered veritable landholders.

"According to my calculation the total number of *bond fide* landholders on the United Provinces Legislative Council is not more than nine. It includes nominated members. It is neither 14 nor 18 as has been stated by some of the honourable members.

"The Hon'ble Dr. Tej Bahadur Saprú was quite wrong in saying that Buddha was the only deified hero or reformer who belonged to the landed class. The deified Rama and Krishna also belonged to this much maligned class. The Hon'ble Dr. Tej Bahadur Saprú says that as the number of the elected members in other Legislative Councils is larger, therefore the number of the elected representatives of the landed interest is larger. But this is not correct. In the presidencies of Bombay and Madras and in the combined provinces of Bihar and Orissa, the number of the elected members is the same as in the United Provinces. Only in the Bengal presidency the number of elected members is larger. Elsewhere it is smaller.

"The position of the landholders as leaders of the rural population has been recognized by the Government. The numerous quotations which are given in my printed speech clearly show that their position as leaders has been acknowledged by such high officials as Governors-General and Viceroy. Persons who have any knowledge of the rural areas will bear me out when I say that landholders are really looked upon as leaders by the masses. I was present in the Divisional Darbar held in Agra in February 1909. Villagers were suspicious about the motives of Government in introducing inoculation. Several landholders got themselves inoculated and set an example to the rural population. Their example was followed by all the villagers living in the neighbourhood. These landholders were granted certificates by Government.

"The Hon'ble Khwaja Ghulam-us-Saqlán thinks that such resolutions set class against class. But I do not think that this resolution will have that effect. I do not want that the increased number of seats for the landed interests should be provided by curtailing the number of seats allotted to any other interest. The maximum number of nominated members, including two experts sanctioned in the Regulations is 28. This number can well be reduced by two.

"I do not understand why elected members should be against raising the number of elected members. I do not agree with those members who say that the interests of landholders are hostile to the interests of tenants. I am of opinion that the interests of landholders are bound up with the interests of their tenants. Their best interests obviously lie in the prosperity of their tenants.

"If any argument were needed to justify the proposed increase in the number of the representatives of the landed interests, the speeches of the honourable members who have opposed this resolution and shown hostility to the interests of landholders furnish that argument. The spirit of hostility to landholders which animated these speeches unmistakably shows that the interests of the landholders cannot be safeguarded unless an adequate representation of the landed interest is made.

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[Mr. Pim]

an integral part of the constitution. Nomination cannot remove this deficiency. Whether landholders will be nominated or not depends on the varying predilections of individual Lieutenant-Governors. Under these circumstances I submit that the present request is not an unreasonable one."

The motion was put to the vote and the Council divided as below.—

| Ayes, 5 | Noes, 26 |
|---|--|
| The Hon'ble the Maharaja of Balrampur | The Hon'ble Munshi Mahadeo Prasad |
| " Raja Su Muham- mad Tasaddiq Rasul Khan. | " Rai Shankar Sahai Sahib |
| " Shaikh Shahid Husain. | " Babu Balak Ram. |
| " Lala Sukhbir Singh. | " Babu Bijmandan Prasad |
| " Raja Kushalpal Singh. | " Pandit Moti Lal Nohia |
| | " Rai Gokul Prasad Baha- duri |
| | " Saryul Raza Ali |
| | " Babu Ganga Prasad Varma Bahadur |
| | " Mr. Baillie. |
| | " Mr. Brownrigg |
| | " Mr. Burn |
| | " Mr. Pim. |
| | " Mr. Wood |
| | " Col. Manifold. |
| | " Lt.-Col. MacLaggan |
| | " Mr. Straight. |
| | " Mr. Ashworth. |
| | " Rai Bishambhar Nath Bahadur |
| | " Nawab Su Muhammad Faiyaz Ali Khan |
| | " Mr. Mackinnon |
| | " Dr. Tej Bahadur Sapru. |
| | " Mr. Cobb |
| | " Mr. O'Donnell. |
| | " Mr. de la Fosse |
| | " Mr. Holms |
| | " Mr. Forard. |

The motion was accordingly rejected

THE UNITED PROVINCES LOCAL RATES BILL, 1913.

The consideration of the Local Rates Bill was then resumed.

The Hon'ble Mr. Pim said —

"The doubtful point with reference to the proposal put forward by the Hon'ble Mr. Shahid Husain was that it involved a substantial alteration in the existing law not necessarily involved by the changes due to the concession made by the Government of India. On considering the matter however, the Local Government accepts it as equitable that persons who hold land free of rent in perpetuity in estates should pay the cesses leviable on that land. With the sanction of the Council, therefore, I propose that the draft section which has been put forward as an amendment shall be altered in the following form :—

'Where a local rate is imposed in Oudh under sub-section (1) of section 3 on any estate, the landlord may recover the rate from an under-proprietor or a permanent lessee of land within the estate whose rent has been fixed or recorded by

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[Mr. Pim]

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The motion was put to the vote and the Council divided as below —

| AYES, 5 | | NOES, 26. | |
|-----------------------------|--|-----------------------------------|--|
| The Hon'ble the Maharaja of | | The Hon'ble Munshi Mahadco Prasad | |
| Balrampur | | " Rai Shankar Sahai Sahib | |
| " Raja Sir Muham- | | " Babu Balak Ram. | |
| mad Tasaddiq | | " Babu Bijayandan Prasad | |
| Resul Khan | | " Pandit Moti Lal Nehru | |
| " Shaikh Shahid | | " Rai Gokul Prasad Bahadur | |
| Husain | | " Saiyid Raza Ali | |
| " Lala Sukhbar | | " Babu Gauga Prasad | |
| Singh | | Varma Bahadur. | |
| " Raja Kushalpal | | " Mr. Baillie. | |
| Singh. | | " Mr. Brownrigg | |
| | | " Mr. Burn | |
| | | " Mr. Pim | |
| | | " Mr. Wood | |
| | | " Col. Manifold | |
| | | " Lt.-Col. Macaggart | |
| | | " Mr. Straight. | |
| | | " Mr. Ashworth. | |
| | | " Rai Bishambhar Nath | |
| | | Bahadur | |
| | | " Nawab Sir Muhammad | |
| | | Faiyaz Ali Khan | |
| | | " Mr. Mackinnon | |
| | | " Mr. Tej Bahadur Sapra. | |
| | | " Mr. Cobb | |
| | | " Mr. O'Donnell. | |
| | | " Mr. de la Rosse. | |
| | | " Mr. Holms. | |
| | | " Mr. Ferard | |

The motion was accordingly rejected

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The consideration of the Local Rates Bill was then resumed.

The Hon'ble Mr. PIM said .—

"The doubtful point with reference to the proposal put forward by the Hon'ble Mr. Shahid Husain was that it involved a substantial alteration in the existing law not necessarily involved by the changes due to the concession made by the Government of India. On considering the matter however, the Local Government accepts it as equitable that persons who hold land free of rent in perpetuity in estates should pay the cesses leviable on that land. With the sanction of the Council, therefore, I propose that the draft section which has been put forward as an amendment shall be altered in the following form :—

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[*Shahid Shahid Husain, Mr Pim; Lala Sukhbir Singh, Khwaja Ghulam-us Saqlain*]

a competent court or from a person who holds land comprised in the estate free of rent in perpetuity, to the following extent, namely from such under-proprietor or lessee a sum bearing the same proportion to a sum calculated at $2\frac{1}{2}$ per cent on the annual value of the land held by him as such annual value after deduction therefrom of the rent so fixed or recorded bears to half such annual value, and from such person equal to $2\frac{1}{2}$ per cent on the annual value of the land held by him and—

(a) if at the date of the commencement of this Act the rural police rate payable under the United Provinces Local and Rural Police Rates Act, 1906, in respect of such land was wholly recoverable from such under-proprietor, permanent lessee, or person,

then from such under-proprietor, permanent lessee or person the whole of the difference between a sum calculated on such annual value at $2\frac{1}{2}$ per cent. and a sum calculated thereon at the percentage leviable as local rate in respect of the estate,

(b) if at such date the rural police rate was partially recoverable from such under-proprietor, permanent lessee or person then from such under-proprietor or permanent lessee a sum bearing the aforesaid proportion such difference, and from such person the whole of such difference.

Explanation.

In this section the annual value of any land comprised in an estate means double the land revenue paid by the superior proprietor on account of the land in question.

The Hon'ble SHAHID SHAHID HUSAIN, expressed his readiness to accept the section in its amended form

The motion was put and agreed to.

The Hon'ble MR PIM, moved that the United Provinces Local Rates Bill, 1913, as amended, be passed into law.

The Hon'ble LALA SUKHBIR SINGH, said—

"As this bill is now going to be passed, I beg leave to make a few remarks. In section 3 power has been taken by the Government to levy a local rate not exceeding 5 per cent. upon the actual value of land in the Agra Province. The income of the district boards now is chiefly derived from these rates and other sources like ferries and school-fees, but the income very low and the chief source of income of the district boards is from these local rates. This income is spent largely on the maintenance of roads, dispensaries, schools and so on. The advantages of these things are derived not only by the land-holding classes but by all classes of the population. There is a proposal before the Government that why the other classes should not be taxed and be required to pay their quota towards the maintenance of these works. I think it is quite reasonable to request the Government that when these things like roads, schools and dispensaries are for the use of all, the whole burden of them should not be put upon the shoulders of the land-holding classes alone but upon the middle classes also.

"I further beg to request the Government that when they will decide what percentage of local rates should be put on the annual value they may kindly consider this question—whether the whole burden should be on the landholders or whether it will also go to others for the whole community is benefited by it."

The Hon'ble KHAWAJA GHULAM-US-SAQLAIN said—

"I only want to put in a word as a democratic member. I would have supported the amendment of the Hon'ble Mr Shahid Husain if he had assured me that the $2\frac{1}{2}$ or 3 per cent. which the taluqdars of Oudh will receive will be made a

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[*Khwaja Ghulam-us-Saghar*]

present of to the unfortunate tenants, for whom he showed great sympathy And if I am assured that this $2\frac{1}{2}$ per cent which would be given to the taluqdars or tenants comes from imperial sources and that the local funds would not suffer and the local improvements would not deteriorate I have no hesitation in supporting the amendment."

The motion was put and agreed to.

The meeting was then adjourned *sine die*

LUCKNOW
The 2nd December 1913. }

W K PORTER,
*Secretary, Legislative Council,
United Provinces.*